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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Third Committee*

Rapporteur: Mr. Pedro **Cardoso** (Brazil)

I. Introduction

1. The general discussion under this item and the previous recommendation made by the Third Committee to the General Assembly under the item appear in the report of the Third Committee to the General Assembly contained in document A/60/509/Add.2 (Part I).

2. For the documents before the Committee under this item, see document A/60/509.

II. Consideration of proposals

A. Draft resolution A/C.3/60/L.29

3. At the 40th meeting, on 15 November, the representative of Yemen, on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference, introduced a draft resolution entitled "Combating defamation of religions" (A/C.3/60/L.29).

4. At its 45th meeting, on 21 November, the Committee was advised that the draft resolution had no programme budget implications.

* The report of the Committee on this item will be issued in seven parts, under the symbol A/60/509 and Add.1, Add.2 (Parts I and II) and Add.3-5.

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5. Also at its 45th meeting, the Committee adopted draft resolution A/C.3/60/L.29 by a recorded vote of 88 to 52, with 23 abstentions (see para. 102, draft resolution I). The voting was as follows:

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Brazil, Brunei Darussalam, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Morocco, Myanmar, Nicaragua, Niger, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, South Africa, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Angola, Armenia, Botswana, Burkina Faso, Burundi, Cape Verde, Dominican Republic, Equatorial Guinea, Guinea-Bissau, India, Kenya, Lesotho, Madagascar, Malawi, Mozambique, Namibia, Nepal, Nigeria, Panama, Republic of Korea, Sierra Leone, Sri Lanka, United Republic of Tanzania.

6. Statements in explanation of vote were made before the vote by the representatives of India and the United States of America; statements in explanation of the vote were made after the vote by the representatives of Canada, Costa Rica, Chile, Guatemala and Singapore (see A/C.3/60/SR.45).

B. Draft resolution A/C.3/60/L.30

7. At the 35th meeting, on 8 November, the representative of Cameroon, on behalf of Algeria, Angola, Burundi, Cameroon, Cape Verde, the Central African Republic, Chad, the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Morocco, Nigeria, Rwanda, Sao Tome and Principe, South Africa and Tunisia, introduced a draft resolution entitled "Subregional Centre for Human Rights and Democracy in Central Africa" (A/C.3/60/L.30).

Subsequently, Belgium, Burkina Faso, Ethiopia, France, the Gambia, Germany, Ghana, India, Italy, Kenya, Lesotho, Mali, Qatar, Sierra Leone, Togo, the United Republic of Tanzania and the United States of America joined in sponsoring the draft resolution.

8. At the 39th meeting, on 10 November, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/60/SR.39).

9. At the same meeting, the Committee adopted draft resolution A/C.3/60/L.30 without a vote (see para. 102, draft resolution II).

C. Draft resolution A/C.3/60/L.31

10. At the 40th meeting, on 15 November, the representative of Egypt, on behalf of Afghanistan, Algeria, Bangladesh, Barbados, Cuba, Djibouti, Egypt, Eritrea, Guinea, the Islamic Republic of Iran, Kenya, the Libyan Arab Jamahiriya, Malaysia, Morocco, Nicaragua, Pakistan, the Philippines, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, Uganda, the United Arab Emirates, Viet Nam, Yemen and Zimbabwe, introduced a draft resolution entitled "Globalization and its impact on the full enjoyment of all human rights" (A/C.3/60/L.31). Subsequently, Angola, Azerbaijan, Benin, Botswana, Burkina Faso, Cameroon, the Central African Republic, China, Comoros, the Congo, Côte d'Ivoire, the Democratic People's Republic of Korea, Ethiopia, Ghana, Indonesia, Lesotho, Madagascar, Mali, Myanmar, Namibia, Nigeria, Saint Vincent and the Grenadines, Sierra Leone, South Africa, the United Republic of Tanzania, Uzbekistan and Zambia joined in sponsoring the draft resolution.

11. At its 47th meeting, on 23 November, the Committee was advised that the draft resolution had no programme budget implications.

12. At the same meeting, the representative of Egypt orally revised the text of the draft resolution as follows:

(a) In the eleventh preambular paragraph, the word "*Welcoming*" was replaced by the word "*Reaffirming*";

(b) The fifteenth preambular paragraph, which read:

"*Underlining* the urgency of mainstreaming and addressing migration in the context of globalization"

was replaced by:

"*Emphasizing* the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy"

(c) Two new preambular paragraphs were inserted after the seventeenth preambular paragraph as follows:

"*Emphasizing* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights, its immediate alleviation and

eventual elimination must remain a high priority for the international community

"*Strongly reiterating* the determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including those agreed at the Millennium Summit that are described as the Millennium Development Goals, which have helped to galvanize efforts towards poverty eradication".

13. Also at its 47th meeting, the Committee adopted draft resolution A/C.3/60/L.31, as orally revised, by a recorded vote of 117 to 51, with 4 abstentions (see para. 102, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Brazil, Chile, Iraq, Singapore.

14. A statement in explanation of vote was made before the vote by the representative of the Bolivarian Republic of Venezuela; a statement in explanation of vote was made after the vote by the representative of the United Kingdom of

Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union) (see A/C.3/60/SR.47).

D. Draft resolution A/C.3/60/L.32

15. At the 37th meeting, on 9 November, the representative of Qatar, on behalf of Afghanistan, Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Cuba, the Democratic People's Republic of Korea, Djibouti, Eritrea, Ethiopia, the Gambia, Iraq, Jordan, Kenya, Kuwait, the Libyan Arab Jamahiriya, Maldives, Mali, Mauritania, Morocco, Myanmar, Nicaragua, Niger, Nigeria, Oman, Pakistan, the Philippines, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, the Sudan, Togo, Tunisia, the United Arab Emirates and Yemen, introduced a draft resolution entitled "Establishment of a United Nations human rights training and documentation centre for South-West Asia and the Arab region" (A/C.3/60/L.32). Subsequently, Albania, Armenia, Australia, Austria, Belgium, Brazil, Burkina Faso, Cape Verde, the Central African Republic, the Comoros, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, the Dominican Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, India, Indonesia, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malaysia, Malta, the Netherlands, Panama, Paraguay, Peru, Portugal, Poland, the Republic of Moldova, Romania, Sierra Leone, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined in sponsoring the draft resolution.

16. At the 46th meeting, on 22 November, the Secretary read out a statement of the financial implications of the draft resolution (see A/C.3/60/SR.46).

17. Also at the same meeting, the representative of Qatar orally revised the text of the draft resolution as follows:

(a) In the sixth preambular paragraph, after the word "*Reaffirming*", the words "its endorsement of the Vienna Declaration and Programme of Action of 1993" were inserted;

(b) In the seventh preambular paragraph, after the words "universal human rights", the word "standards" was deleted;

(c) In operative paragraph 2, after the words "according to international", the words "human rights" were inserted.

18. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/60/L.32, as orally revised, without a vote (see para. 102, draft resolution IV).

E. Draft resolution A/C.3/60/L.33 and Rev.1

19. At the 35th meeting, on 8 November, the representative of India, on behalf of Australia, the Congo, Fiji, France, Ghana, Haiti, India, Indonesia, Ireland, Madagascar, Mauritius, Norway, Panama, the Republic of Korea, the Republic of Moldova, Romania, Senegal, Sri Lanka, Switzerland and Tunisia, introduced a draft resolution entitled "National institutions for the promotion and protection of human rights" (A/C.3/60/L.33). Subsequently, Afghanistan, Bangladesh, Guinea, Mexico,

Nepal, Timor-Leste and Turkey joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Recalling* its resolutions and those of the Commission on Human Rights concerning national institutions for the promotion and protection of human rights,

"*Welcoming* the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

"*Convinced* of the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

"*Recognizing* that the United Nations has played an important role and should continue to play a more important role in assisting the development of national institutions,

"*Recalling* the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in remedying human rights violations, in disseminating information on human rights and in education in human rights,

"*Recalling also* the Beijing Platform for Action, in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

"*Noting* the diverse approaches adopted throughout the world for the promotion and protection of human rights at the national level, emphasizing the universality, indivisibility and interdependence of all human rights, and emphasizing and recognizing the value of such approaches in promoting universal respect for and observance of human rights and fundamental freedoms,

"*Recalling* the programme of action adopted by national institutions, at their meeting in Vienna in June 1993 during the World Conference on Human Rights, for the promotion and protection of human rights, wherein it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

"*Noting* the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation,

"*Welcoming* the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

"*Noting with appreciation* the existence of the regional human rights networks in Europe and Africa, the continuing work of the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia Pacific Forum of National Human Rights Institutions and the Coordinating Committee of African National Human Rights Institutions,

"*Welcoming* the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

"1. *Welcomes* the report of the Secretary-General;

"2. *Reaffirms* the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights ('the Paris Principles'), contained in the annex to resolution 48/134 of 20 December 1993;

"3. *Reiterates* the continued importance of the Paris Principles, recognizes the value of further strengthening their application, where appropriate, and encourages States, national institutions and other interested parties to consider ways to achieve this;

"4. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action, it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

"5. *Encourages* Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action;

"6. *Welcomes* the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights;

"7. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

"8. *Notes with satisfaction* the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

"9. *Reaffirms* the role of national institutions, where they exist, as appropriate agencies, inter alia, for the dissemination of human rights materials and other public information activities, including those of the United Nations;

"10. *Urges* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and

strengthening of national human rights institutions as part of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights;

"11. *Commends* the high priority given by the Office of the United Nations High Commissioner for Human Rights to work on national institutions, encourages the High Commissioner, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, and invites Governments to contribute additional funds to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for that purpose;

"12. *Welcomes* the establishment of a national institutions website as an important vehicle for the delivery of information to national institutions as also the launch of a database of comparative analysis of procedures and methods of complaint-handling by national human rights institutions;

"13. *Notes with appreciation* the increasingly active and important role of the International Coordinating Committee of National Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

"14. *Also notes with appreciation* the holding of regular meetings of the International Coordinating Committee of National Institutions and the arrangements for the participation of national human rights institutions in the annual sessions of the Commission on Human Rights;

"15. *Requests* the Secretary-General to continue to provide the necessary assistance for holding meetings of the International Coordinating Committee of National Institutions during the sessions of the Commission on Human Rights, in cooperation with the Office of the United Nations High Commissioner for Human Rights;

"16. *Welcomes* the continuation of the practice of national institutions convening regional meetings in some regions, and its initiation in others, and encourages national institutions, in cooperation with the United Nations High Commissioner for Human Rights, to organize similar events with Governments and non-governmental organizations in their own regions;

"17. *Requests* the Secretary-General to continue to provide, including from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for holding international and regional meetings of national institutions;

"18. *Recognizes* the important and constructive role that non-governmental organizations may play, in cooperation with national institutions, for better promotion and protection of human rights;

"19. *Expresses its appreciation* to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

"20. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national institutions;

"21. *Encourages* all United Nations entities, funds and agencies to work in close cooperation with national institutions in the promotion and protection of human rights;

"22. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution."

20. At the 43rd meeting, on 18 November, the representative of India introduced a revised draft resolution (A/C.3/60/L.33/Rev.1) submitted by the sponsors of draft resolution A/C.3/60/L.33 and Argentina, Australia, Azerbaijan, Belgium, Bhutan, Cameroon, Canada, Chile, Colombia, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guyana, Hungary, Italy, Japan, Lithuania, Mali, Malta, Mongolia, Myanmar, the Netherlands, New Zealand, Nigeria, Norway, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Senegal, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of). Subsequently, Albania, Angola, Armenia, Austria, Belarus, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Cape Verde, the Central African Republic, Costa Rica, Côte d'Ivoire, Eritrea, the Gambia, Georgia, Guatemala, Honduras, Israel, Malaysia, Morocco, Papua New Guinea, the Philippines and Sierra Leone joined in sponsoring the revised draft resolution.

21. At the same meeting, the Committee was advised that the revised draft resolution had no programme budget implications.

22. Also at its 43rd meeting, the Committee adopted draft resolution A/C.3/60/L.33/Rev.1, without a vote (see para. 102, draft resolution V).

F. Draft resolution A/C.3/60/L.34

23. At the 39th meeting, on 10 November, the representative of Malaysia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and China, introduced a draft resolution entitled "Human rights and unilateral coercive measures" (A/C.3/60/L.34).

24. At its 45th meeting, on 21 November, the Committee was advised that the draft resolution had no programme budget implications.

25. At the same meeting, the Committee adopted draft resolution A/C.3/60/L.34 by a recorded vote of 121 to 52 (see para. 102, draft resolution VI). The voting was as follows:

In favour:

Algeria, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of

Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

G. Draft resolution A/C.3/59/L.35

26. At the 39th meeting, on 10 November, the representative of Malaysia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and China, introduced a draft resolution entitled "Enhancement of international cooperation in the field of human rights" (A/C.3/60/L.35).

27. At its 45th meeting, on 21 November, the Committee was advised that the draft resolution had no programme budget implications.

28. At the same meeting, the Committee adopted draft resolution A/C.3/60/L.35 without a vote (see para. 102, draft resolution VII).

H. Draft resolution A/C.3/60/L.36

29. At the 39th meeting, on 10 November, the representative of Malaysia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and China, introduced a draft resolution entitled "The right to development" (A/C.3/60/L.36).

30. At the 47th meeting, on 23 November, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/60/SR.47).

31. At the same meeting, the representative of Malaysia orally revised the text of the draft resolution as follows:

(a) Two new preambular paragraphs were inserted after the first preambular paragraph, as follows:

"*Recalling* the Universal Declaration on Human Rights as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights

"*Recalling also* the outcomes of all the major United Nations conferences and summits in the economic and social fields";

(b) A new preambular paragraph was inserted after the fourth preambular paragraph as follows:

"*Reaffirming also* the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development";

(c) In the fifth and sixth preambular paragraphs, the word "*Welcoming*" was replaced by the word "*Recalling*";

(d) In operative paragraph 3, the words "at its next meeting, will examine" were replaced by the words "at its second meeting, examined" and the word "suggest" was replaced by the word "suggested";

(e) Operative paragraph 5, which read:

"*Notes with concern* that the Subcommission on the Promotion and Protection of Human Rights has not submitted the concept document establishing options and their feasibility for the implementation of the right to development, and requests the Subcommission, without further delay, to submit the concept document at the sixty-second session of the Commission on Human Rights"

was replaced by:

"*Notes with appreciation* that the Subcommission on the Promotion and Protection of Human Rights decided at its fifty-seventh session to submit the concept document establishing options and their feasibility for the implementation of the right to development to the Commission on Human Rights at its sixty-second session, calls in this regard upon the Commission to give due consideration to the options contained therein, and requests the Secretary-General to report on progress in this regard to the General Assembly at its sixty-first session";

(f) Operative paragraph 6, which read:

"*Takes note* of the convening and outcome of the second Social Forum held at Geneva on 22 and 23 July 2004 on the theme 'Poverty, rural poverty and human rights' and the strong support extended to it by the Subcommission on the Promotion and Protection of Human Rights, and invites all

stakeholders, including Member States, to participate actively in its subsequent sessions"

was replaced by:

"*Takes note* of the convening and outcome of the third Social Forum held at Geneva on 21 and 22 July 2005 on the theme 'Poverty and economic growth: challenges to human rights' and the strong support extended to it by the Subcommission on the Promotion and Protection of Human Rights, and invites Member States and all other stakeholders to participate actively in its subsequent sessions";

(g) In operative paragraph 9, the word "basic" was replaced by the word "primary";

(h) Operative paragraph 10, which read:

"*Reaffirms* that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and their commitment to cooperating with each other to that end"

was replaced by:

"*Reaffirms* the primary responsibility of States to create national and international conditions favourable to the realization of the right to development as well as their commitment to cooperate with each other to that end";

(i) In operative paragraph 26, after the word "concrete", the words "and effective" were inserted, the words "fight against" were replaced by the words "prevent, combat and criminalize", the words "national and international" were replaced by the word "all", and after the words "international cooperation in asset recovery," the words "consistent with the principles of the United Nations Convention against Corruption, particularly chapter V," were inserted.

32. Also at its 47th meeting, the Committee adopted draft resolution A/C.3/60/L.36, as orally revised, by a recorded vote of 172 to 2, with 5 abstentions (see para. 102, draft resolution VIII). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania,

Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Marshall Islands, United States of America.

Abstaining:

Australia, Canada, Israel, Japan, Sweden.

33. Statements in explanation of vote were made after the vote by the representatives of Canada and Japan (see A/C.3/60/SR.47).

I. Draft resolution A/C.3/60/L.37 and Rev.1

34. At the 39th meeting, on 10 November, the representative of Mexico, on behalf of Argentina, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Ecuador, Finland, France, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, Norway, Panama, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Protection of human rights and fundamental freedoms while countering terrorism" (A/C.3/60/L.37). Subsequently, Albania, Bulgaria, Denmark, the Dominican Republic, Estonia, Georgia, Greece, Guinea, Hungary, Jordan, Kenya, Latvia, Madagascar, Nigeria, the Republic of Moldova, Romania, The former Yugoslav Republic of Macedonia, Timor-Leste and Ukraine joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Reaffirming* the purposes and principles of the Charter of the United Nations,

"*Reaffirming also* the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

"*Recalling* that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

"*Acknowledging* the important contribution of measures at all levels against terrorism, consistent with international law, in particular international

human rights law and refugee and humanitarian law, for the functioning of democratic institutions, the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight, including through international cooperation and the strengthening of the role of the United Nations in this respect,

"*Deeply deploring* the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as of the violations of international refugee law and international humanitarian law,

"*Recognizing* that the respect for human rights, the respect for democracy and the respect for the rule of law are interrelated and mutually reinforcing,

"*Recognizing also* that all States must fully respect the non-refoulement obligations under international refugee and human rights law, while at the same time bearing in mind relevant exclusion provisions under international refugee law,

"*Welcoming* the various initiatives to strengthen the promotion and protection of human rights in the context of counter-terrorism adopted by the United Nations and regional intergovernmental bodies, as well as by States,

"*Noting* the declarations, statements and recommendations of a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,

"*Recalling* its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003 and 59/191 of 20 December 2004 as well as Commission on Human Rights resolutions 2003/68 of 25 April 2003, 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005 and other relevant resolutions of the General Assembly and the Commission on Human Rights,

"*Recalling also* its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

"*Reaffirming* that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

"*Noting* the declaration on the issue of combating terrorism contained in the annex to Security Council resolution 1456 (2003) of 20 January 2003, in particular the statement that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

"*Reaffirming its unequivocal condemnation* of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and

unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

"*Stressing* that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

"1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

"2. *Deplores* the suffering caused by terrorism to the victims and their families, and expresses its profound solidarity with them;

"3. *Reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights, to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations;

"4. *Calls upon* States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

"5. *Urges* States to fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

"6. *Reaffirms* that it is imperative that all States work to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law, while countering terrorism, as stated in the report of the Secretary-General submitted pursuant to General Assembly resolution 58/187;

"7. *Takes note with appreciation* of the study of the United Nations High Commissioner for Human Rights submitted pursuant to resolution 58/187;

"8. *Encourages* States to make available to relevant national authorities the 'Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism' and to take into account its content, and requests the High Commissioner to update and publish it periodically;

"9. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links and to continue to develop cooperation with

relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Commission on Human Rights on the promotion and protection of human rights and fundamental freedoms while countering terrorism, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism;

"10. *Requests* all relevant special procedures and mechanisms of the Commission on Human Rights, as well as the United Nations human rights treaty bodies, to cooperate, within their mandates, with the Special Rapporteur, and encourages the Special Rapporteur to coordinate their efforts where appropriate, in order to promote a consistent approach on this subject;

"11. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of United Nations human rights treaty bodies;

"12. *Takes note with appreciation* of the report of the independent expert on the protection of human rights and fundamental freedoms while countering terrorism;

"13. *Welcomes* the report of the Secretary-General submitted pursuant to General Assembly resolution 59/191;

"14. *Welcomes* the establishment by the Commission on Human Rights on its resolution 2005/80 of the mandate of a Special Rapporteur;

"15. *Further welcomes* the report of the Special Rapporteur submitted pursuant to Commission on Human Rights resolution 2005/80, and requests the Special Rapporteur to report regularly to the General Assembly and to the Commission on Human Rights;

"16. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the Special Rapporteur's urgent appeals and providing the information requested;

"17. *Requests* the High Commissioner, making use of existing mechanisms, to continue:

"(a) To examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

"(b) To make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

"(c) To provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

"18. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Human Rights

at its sixty-second session and to the General Assembly at its sixty-first session."

35. At the 46th meeting, on 22 November, the representative of Mexico introduced a revised draft resolution (A/C.3/60/L.37/Rev.1), submitted by the sponsors of draft resolution A/C.3/60/L.37 and Armenia, Canada, Costa Rica, Croatia, Ecuador, Egypt, Finland, France, Guatemala, Italy, Japan, Liechtenstein, Lithuania, Malta, Monaco, Paraguay, Peru, Poland, Portugal, Serbia and Montenegro, Switzerland, the United States of America and Uruguay. Subsequently, Angola, Bolivia, El Salvador, Iceland and New Zealand joined in sponsoring the revised draft resolution.

36. At the same meeting, the representative of Mexico orally revised the draft resolution as follows:

(a) In operative paragraph 11, the words "the elements of a" were replaced by the words "as agreed at the United Nations 2005 World Summit, a strategy to promote", the words "strategy, as agreed at the 2005 World Summit", were replaced by the word "responses", and the word "international" was inserted before the words "refugee law";

(b) In operative paragraph 15, the word "*Welcomes*" was replaced by the words "*Takes note with interest of*";

(c) In operative paragraph 16, the words "*Also welcomes*" were replaced by the words "*Takes note with appreciation* of", and the words "takes note of" before the words "the four features" were deleted.

37. Also at the same meeting, the Committee was advised that the draft resolution had no programme budget implications.

38. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/60/L.37/Rev.1, as orally revised, without a vote (see para. 102, draft resolution IX).

J. Draft resolution A/C.3/60/L.38

39. At the 37th meeting, on 9 November, the representative of Austria, on behalf of Andorra, Argentina, Austria, Azerbaijan, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Norway, Panama, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Human rights in the administration of justice" (A/C.3/60/L.38). Subsequently, Albania, Armenia, Australia, Belarus, the Dominican Republic, Iceland, Israel, Jordan, Mali, Nigeria, Paraguay, Peru, the Philippines, the Republic of Moldova, San Marino, Suriname, Thailand, Turkey and Uruguay joined in sponsoring the draft resolution.

40. At its 41st meeting, on 15 November, the Committee was advised that the draft resolution had no programme budget implications.

41. At the same meeting, the representative of Austria orally revised the draft resolution as follows:

(a) In operative paragraph 13, the word "welcomes" was replaced by the words "takes note with appreciation of";

(b) In operative paragraph 17, the word "proposed" was inserted before the words "Peacebuilding Commission" and the words "as proposed in the 2005 World Summit Outcome" were deleted.

42. Also at its 41st meeting, the Committee adopted draft resolution A/C.3/60/L.38, as orally revised, without a vote (see para. 102, draft resolution X).

K. Draft resolution A/C.3/60/L.39

43. At the 37th meeting, on 9 November, the representative of Austria, on behalf of Andorra, Argentina, Austria, Benin, Bolivia, Bosnia and Herzegovina, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Finland, Greece, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, the Netherlands, Norway, Panama, Poland, the Republic of Korea, Romania, Serbia and Montenegro, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities" (A/C.3/60/L.39). Subsequently, Albania, Armenia, Australia, Belarus, Brazil, China, the Dominican Republic, Eritrea, Ethiopia, Georgia, Guatemala, Iceland, Latvia, Peru, the Republic of Moldova, the Russian Federation, San Marino, Sweden, Thailand, Timor-Leste and Uruguay joined in sponsoring the draft resolution.

44. At the same meeting, the representative of Austria orally revised the draft resolution as follows:

(a) In operative paragraph 5, after the words "in the economic progress and development of their countries", the words "without discrimination" were inserted;

(b) In operative paragraph 16, the words "minority representatives and experts on minority issues, particularly from developing countries" were replaced by the words "representatives of non-governmental organizations and persons belonging to minorities, in particular those from developing countries".

45. At its 41st meeting, on 15 November, the Committee was advised that the draft resolution had no programme budget implications.

46. At the same meeting, the representative of Austria further orally revised the draft resolution as follows:

(a) In the ninth preambular paragraph, the word "*Welcoming*" was replaced by the words "*Noting with appreciation*";

(b) In operative paragraph 3, the words "in accordance with" were replaced by the words "as proclaimed in"; and the words "as contained in" were replaced by the words "draws attention to";

(c) Operative paragraph 15, which read:

"15. *Calls upon* the High Commissioner to provide all the support the independent expert on minority issues may need to fulfil her mandate"

was deleted.

47. Also at its 41st meeting, the Committee adopted draft resolution A/C.3/60/L.39, as orally revised, without a vote (see para. 102, draft resolution XI).

L. Draft resolution A/C.3/60/L.40

48. At the 35th meeting, on 8 November, the representative of Norway, on behalf of Albania, Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, the Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Peru, Poland, Portugal, the Republic of Korea, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" (A/C.3/60/L.40). Subsequently, Andorra, Armenia, Bosnia and Herzegovina, Burkina Faso, the Congo, the Dominican Republic, Ecuador, Georgia, Guinea-Bissau, Kenya, Lesotho, Morocco, Palau, the Republic of Moldova, Senegal, Sierra Leone, Timor-Leste, Thailand, Turkey, Ukraine and Uruguay joined in sponsoring the draft resolution.

49. At the 39th meeting on 10 November, the Secretary of the Committee read out a statement of programme budget implications of the draft resolution (see A/C.3/60/SR.39).

50. At the same meeting, the representative of Norway orally revised the draft resolution as follows:

(a) The eighth preambular paragraph, which read:

"*Recognizing* the substantial role that human rights defenders can play in supporting peace and security, including as early warning mechanisms, by monitoring, reporting on and protecting human rights",

was replaced by:

"*Recognizing* the substantial role that human rights defenders can play in supporting peace through dialogue, openness, participation and justice, including by monitoring and reporting on human rights";

(b) In the fourteenth preambular paragraph, after the words "rests with the State", the words "and reaffirming that national legislation consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights defenders conduct their activities" were inserted;

(c) In operative paragraph 9, the words "*Encourages* States to respond" were replaced by the words "*Calls upon* States to give serious consideration to responding"; and at the end of the paragraph the words "so as to enable her to fulfil her mandate even more effectively" were inserted;

(d) Operative paragraph 13, which read:

"13. *Requests* relevant United Nations bodies, offices, departments and specialized agencies, in particular at the country level, working in cooperation with States, to strengthen their commitment to promote and protect human rights and fundamental freedoms by taking steps to follow up the Declaration, give due consideration to the reports of the Special Representative and receive and act upon information from human rights defenders",

was replaced by:

"13. *Invites* relevant United Nations bodies, including at the country level, within their respective mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Representative, and in this context requests the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Representative".

51. Also at its 39th meeting, the Committee adopted draft resolution A/C.3/60/L.40, as orally revised, without a vote (see para. 102, draft resolution XII).

M. Draft resolution A/C.3/60/L.42/Rev.1

52. At its 42nd meeting, on 17 November, the Committee had before it draft resolution A/C.3/60/L.42/Rev.1, sponsored by Albania, Austria, Belgium, Canada, Chile, Croatia, Cyprus, the Czech Republic, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mongolia, the Netherlands, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Timor-Leste, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which read:

"*The General Assembly*,

"*Recalling* its resolutions 55/96 of 4 December 2000, 57/221 of 18 December 2002, 59/201 of 20 December 2004 and 59/242 of 22 December 2004, and bearing in mind Commission on Human Rights resolutions 1999/57 of 27 April 1999, 2000/47 of 25 April 2000, 2001/41 of 23 April 2001, 2002/46 of 23 April 2002, 2003/36 of 23 April 2003, 2004/30 of 19 April 2004, and 2005/68 of 22 April 2005 and the United Nations Convention against Corruption,

"*Reaffirming* that the promotion and protection of the full enjoyment of all human rights and fundamental freedoms for all are essential to advance development, peace and security,

"*Recognizing* the indissoluble link between human rights as enshrined in the Universal Declaration of Human Rights and in the international human rights instruments and the foundation of any democratic society,

"*Reaffirming* that the promotion and protection of human rights is a prerequisite for the existence of a democratic society,

"*Acknowledging* that democracy contributes to the realization of all human rights and that there is a close link between democracy and good governance on the one hand and economic development and poverty alleviation on the other,

"*Recognizing* that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

"*Recalling* that corruption often excludes the poor from access to basic government services,

"*Recognizing* the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of all human rights and of the mutually reinforcing relationship between good governance and human rights,

"*Reaffirming* that good governance, as referred to in the United Nations Millennium Declaration, is among the indispensable factors for building and strengthening peaceful, prosperous and democratic societies,

"*Recognizing* that an independent and impartial judiciary and an independent legal profession are essential prerequisites for good governance and the protection of human rights,

"*Recognizing also* the crucial importance of the active involvement and contribution of civil society in ensuring that good governance practices benefit all people, including members of vulnerable and marginalized groups,

"*Reaffirming* the importance of effective national efforts to prevent and combat corruption, and emphasizing the link between such efforts and the promotion of human rights,

"*Recognizing* that effective and efficient international cooperation to prevent and combat corruption, consistent with the United Nations Convention against Corruption, also serves to promote and protect human rights,

"*Recalling* the outcomes of the 2004 seminar on good governance practices for the promotion of human rights, sponsored by the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights, which highlighted, inter alia, the linkages between fighting corruption, respecting human rights and fostering good governance,

"*Recalling also* the Monterrey Consensus of the International Conference on Financing for Development, which underlined that fighting corruption at all levels was a priority, and the Plan of Implementation of the World Summit on Sustainable Development ('Johannesburg Plan of Implementation'),

"*Recalling further* the Declaration of Nuevo Leon adopted at the Special Summit of the Americas, held at Monterrey, Mexico, on 12 and 13 January 2004, in which the democratically elected Heads of State and Government of the Americas pledged to intensify efforts to combat corruption in the public

and private sector, as well as the Inter-American Convention against Corruption, adopted by the Organization of American States on 29 March 1996,

"*Recalling* the African Union Convention on Preventing and Combating Corruption, adopted by the Heads of State and Government of the African Union on 12 July 2003, in which States parties agreed to take significant legislative and other measures to combat corruption,

"*Recalling also* the Doha Declaration, adopted at the Second South Summit, held at Doha from 12 to 16 June 2005, in which Heads of State and Government of the States members of the Group of 77 and China resolved to take measures to combat corruption, nationally and internationally,

"*Recalling further* the initiatives taken by the Council of Europe against corruption in areas such as standard-setting, guiding principles, technical cooperation and monitoring, in particular the Criminal Law Convention on Corruption adopted by the Committee of Ministers of the Council of Europe on 27 January 1999, and the Civil Law Convention on Corruption, adopted by the Committee of Ministers of the Council of Europe on 4 November 1999, as well as activities of the Organization for Security and Cooperation in Europe in this regard,

"*Welcoming* the initiatives taken by the Commonwealth Secretariat and the Group of Eight with regard to fighting corruption and improving transparency, including the initiative of the Group of Eight to support with bilateral technical assistance those countries committed to a partnership to increase transparency, good governance and the rule of law, and welcoming also the efforts of those Member States that have entered into 'Compacts to Promote Transparency and Combat Corruption' with the Group of Eight,

"*Reiterating its concern* about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and the values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law, in particular when an inadequate national and international response leads to impunity,

"1. *Condemns* corruption in all its forms as one of the primary obstacles to economic, social and democratic development and to the full enjoyment of human rights;

"2. *Recalls* that the interdependence between a functioning democracy, strong and accountable institutions and effective rule of law is essential for a legitimate and effective Government that is respectful of human rights;

"3. *Welcomes* the adoption of the United Nations Convention against Corruption, looks forward to its entry into force on 14 December 2005, and urges all States that have not done so to consider signing and ratifying the Convention;

"4. *Affirms* that the prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as corporations, civil society, non-governmental organizations and

community-based organizations, if their efforts to prevent and combat corruption are to be effective;

"5. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, including, inter alia, in accordance with the United Nations Convention against Corruption, and in this regard encourages Member States that have not yet done so to enact such laws and measures;

"6. *Encourages* all Governments to strengthen democracy through good governance as referred to in the United Nations Millennium Declaration and the United Nations Convention against Corruption and to prevent, combat and penalize corruption in all its forms by, inter alia:

"(a) Consistent with the United Nations Convention against Corruption, abiding by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption;

"(b) Promoting the independence and integrity of the judiciary and, by means of appropriate education, selection, support and allocation of resources, strengthening its capacity to render justice with fairness and efficiency, free from improper or corrupt outside influence;

"(c) Promoting and protecting freedom of expression, freedom of the media, and freedom to seek, receive and impart information in order, inter alia, to improve the transparency of public institutions and policymaking procedures and enhancing the accountability of public officials;

"(d) Taking legal, legislative, administrative and political measures against corruption, in the public and private sector, including by ensuring due process of law and guaranteeing the right to a fair trial and by implementing the anti-corruption measures specified in the United Nations Convention against Corruption;

"(e) Desisting from inducing, in any way, State entities, officials or institutions to undertake actions or carry out activities that violate human rights, the principles of the Universal Declaration of Human Rights and the related conventions and treaties;

"(f) Promoting the widest possible public access to information about the activities of national and local authorities, as well as ensuring access by all to administrative remedies, without discrimination;

"(g) Fostering high levels of competence, ethics and professionalism within the civil service and its cooperation with the public, inter alia, by providing appropriate training for members of the civil service;

"(h) Taking measures to counter corrupt practices in election processes and developing, nurturing and maintaining an electoral system that provides for the free and fair expression of the people's will through genuine and periodic election;

"7. *Also encourages* all Governments to strengthen their cooperation in the fight against corruption, consistent with the United Nations Convention against Corruption;

"8. *Invites* the relevant special procedures of the Commission on Human Rights, as appropriate, to incorporate into their reports the impact of corruption on the enjoyment of human rights."

53. At the same meeting, the representative of the United States of America withdrew draft resolution A/C.3/60/L.42/Rev.1 on behalf of the sponsors (see A/C.3/60/SR.42).

N. Draft resolution A/C.3/60/L.43

54. At the 40th meeting, on 15 November, the representative of the United States of America, on behalf of Afghanistan, Albania, Argentina, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Luxembourg, Mexico, Monaco, the Netherlands, Nicaragua, Panama, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Serbia and Montenegro, Slovakia, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America, introduced a draft resolution entitled "Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization". Subsequently, Andorra, Armenia, Australia, Azerbaijan, Bangladesh, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Cambodia, Cape Verde, the Central African Republic, Costa Rica, Ecuador, Fiji, Finland, Georgia, Guatemala, Iceland, India, Indonesia, Iraq, Jordan, Kenya, Liechtenstein, Lithuania, Mali, Malta, the Marshall Islands, Micronesia (Federated States of), New Zealand, Nigeria, Norway, Palau, Peru, Saint Vincent and the Grenadines, San Marino, Somalia, Spain, Sri Lanka, Swaziland, Thailand, Timor-Leste, Turkey and Ukraine joined in sponsoring the draft resolution.

55. At its 47th meeting, on 23 November, the Committee was advised that the draft resolution had no programme budget implications.

56. At the same meeting, the representative of the United States of America orally revised the draft resolution by replacing the fifth preambular paragraph, which read:

"*Noting* with interest Commission on Human Rights resolution 2004/30 of 19 April 2004 on enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy"

by the following text:

"*Taking note* with interest of Commission on Human Rights resolutions 2004/30 of 19 April 2004 on enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy and 2005/32 on democracy and the rule of law".

57. Also at the same meeting, a statement was made by the representative of Cuba, in which a separate vote was requested on the revised fifth preambular paragraph (see A/C.3/60/SR.47).

58. The paragraph was retained by a recorded vote of 123 to none, with 35 abstentions. The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Somalia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

None.

Abstaining:

Algeria, Angola, Bahrain, Belarus, Burkina Faso, Cameroon, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Gambia, Ghana, Iran (Islamic Republic of), Kazakhstan, Libyan Arab Jamahiriya, Malaysia, Namibia, Nepal, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sudan, Syrian Arab Republic, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

59. At its 47th meeting, the Committee adopted draft resolution A/C.3/60/L.43, as orally revised, by a recorded vote of 173 to none, with 3 abstentions (see para. 102, draft resolution XIII). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's

Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None

Abstaining:

Democratic Republic of the Congo, Libyan Arab Jamahiriya, Myanmar.

O. Draft resolution A/C.3/60/L.44 and Rev.1 and amendments thereto contained in document A/C.3/60/L.73

60. At the 39th meeting, on 10 November, the representative of the Netherlands, on behalf of Argentina, Austria, Belgium, Benin, Bulgaria, Cameroon, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Jordan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), the Netherlands, New Zealand, Nigeria, Norway, Peru, Poland, Portugal, the Republic of Moldova, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Human rights mainstreaming in the United Nations system" (A/C.3/60/L.44). Subsequently, Angola, Bosnia and Herzegovina, the Congo, Georgia, Guatemala, Honduras, Lesotho, Madagascar, Panama and Ukraine joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Reaffirming* the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action,

"*Reaffirming* also the universality, indivisibility, interdependence and interrelatedness of all human rights,

"*Recognizing* that development, peace and security and human rights are interlinked and mutually reinforcing,

"*Considering* that the promotion and the protection of all human rights is one of the priorities of the international community,

"*Recalling* the commitment of the Millennium Declaration to spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development,

"*Recognizing* that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

"*Recalling* the mandate and responsibility of the United Nations High Commissioner for Human Rights, including the responsibility to coordinate the human rights promotion and protection activities throughout the United Nations system,

"*Recognizing* the essential importance of the United Nations system in promoting international human rights instruments and adhering to international humanitarian law and international human rights standards in all aspects of its peace and security activities,

"*Supporting* the strengthening of linkages between the normative work of the United Nations system and its operational activities,

"*Having resolved* to integrate the promotion and protection of human rights into national policies and to support the further mainstreaming of human rights throughout the United Nations system, as well as closer cooperation between the Office of the United Nations High Commissioner for Human Rights and all relevant United Nations bodies,

"1. *Welcomes* the:

"(a) Recent efforts of the Secretary-General and the United Nations High Commissioner for Human Rights to ensure that human rights are integrated throughout the work of the United Nations;

"(b) Support of the High-level Panel on Threats, Challenges and Change for these efforts;

"(c) Work done by the specialized agencies and United Nations funds and programmes, inter alia, the United Nations Development Programme and the United Nations Children's Fund, to integrate human rights into their programming processes;

"(d) United Nations agreement on a human rights-based approach to development cooperation of 2003;

"(e) Inter-agency plan elaborated by the High Commissioner, in cooperation with the United Nations Development Group and the Executive Committee for Humanitarian Affairs, to strengthen national protection systems

in accordance with the action 2 initiative of the reform programme of the Secretary-General,

"(f) Recognition in the reports of the United Nations Millennium Project that achieving the Millennium Development Goals requires a commitment to good governance, which includes upholding the rule of law and promoting human rights,

"(g) Integration of human rights components in the mandate of peacekeeping operations established by the Security Council,

"2. *Stresses* the importance of ongoing efforts aimed at mainstreaming the issue of human rights within the United Nations system;

"3. *Underlines* the need for wider knowledge within the entire United Nations system, including country teams, of human rights issues;

"4. *Encourages* the:

"(a) Security Council to strengthen the links and to continue to develop cooperation with the Office of the United Nations High Commissioner for Human Rights, inter alia, through reports of the High Commissioner to the Council and involvement of the High Commissioner in the implementation of all human rights provisions of Security Council resolutions;

"(b) United Nations specialized agencies, funds and programmes:

"(i) To mainstream human rights in all their policies, programmes and activities at all levels;

"(ii) To implement the United Nations common understanding on a human rights-based approach to development cooperation;

"(iii) To strengthen their cooperation with the Office of the High Commissioner;

"5. *Encourages* the United Nations High Commissioner for Human Rights:

"(a) To enhance her cooperation with all relevant United Nations bodies, including the General Assembly, the Economic and Social Council and the Security Council;

"(b) To intensify her efforts to integrate human rights into development, humanitarian and rule of law activities and to further develop and implement the action 2 initiative, inter alia, through enhancing cooperation with United Nations bodies, funds and programmes;

"(c) To also intensify her efforts to improve coordination and cooperation among United Nations agencies and programmes active in the field of the promotion and protection of human rights, in particular with respect to the implementation of the United Nations Millennium Declaration and the Millennium Development Goals, and to engage in a dialogue with concerned Governments for that purpose;

"6. *Calls upon* Member States:

"(a) To implement all universal human rights norms and to integrate the promotion and protection of human rights into national policies;

"(b) To further contribute actively towards mainstreaming of human rights at the national, regional and international level;

"(c) To consider urgently contributing to the joint initiative of the United Nations Development Group, the Executive Committee for Humanitarian Affairs and the Office of the United Nations High Commissioner for Human Rights on strengthening United Nations support for national human rights protection and promotion systems worldwide;

"7. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-first session."

61. At its 48th meeting, on 23 November, the Committee had before it a revised draft resolution (A/C.3/60/L.44/Rev.1) submitted by the sponsors of draft resolution A/C.3/60/L.44, which read:

"*The General Assembly*,

"*Reaffirming* the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action,

"*Reaffirming also* that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

"*Recognizing* that development, peace and security and human rights are interlinked and mutually reinforcing,

"*Considering* that the promotion and the protection of all human rights is one of the priorities of the international community,

"*Recalling* the commitment of the Millennium Declaration to spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development,

"*Recognizing* that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

"*Emphasizing* the need for the promotion and protection of all human rights to be guided by the principles of impartiality, objectivity and non-selectivity, in the spirit of constructive international dialogue and cooperation,

"*Recalling* its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

"*Supporting* the strengthening of linkages between the normative work of the United Nations system and its operational activities,

"*Having resolved* to integrate the promotion and protection of human rights into national policies and to support the further mainstreaming of human rights throughout the United Nations system, as well as closer cooperation between the Office of the United Nations High Commissioner for Human Rights and all relevant United Nations bodies,

"1. *Welcomes*:

"(a) Recent efforts of the Secretary-General and the United Nations High Commissioner for Human Rights to further mainstream human rights throughout the United Nations;

"(b) Work done by the specialized agencies and United Nations funds and programmes, inter alia, the United Nations Development Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations, to integrate human rights into their programming processes;

"(c) The steps taken by the High Commissioner, in cooperation with the United Nations Development Group and the Executive Committee for Humanitarian Affairs, to strengthen, at the request of States, national protection systems, in accordance with the Action 2 initiative of the reform programme of the Secretary-General;

"(d) Integration of human rights aspects in United Nations missions, in particular peacekeeping missions established by the Security Council;

"2. *Stresses* the importance of ongoing efforts aimed at continuing to mainstream human rights within the United Nations system, and underlines the need for comprehensive information on all developments in this regard, with a view to ensuring an open and transparent process;

"3. *Underlines* the need for wider knowledge within the entire United Nations system, including country teams and peace missions, of human rights issues;

"4. *Encourages* the:

"(a) Security Council to continue to develop cooperation with the Office of the United Nations High Commissioner for Human Rights;

"(b) Economic and Social Council to continue to integrate the promotion and protection of human rights in all areas of its work;

"(c) United Nations specialized agencies, funds and programmes:

"(i) To continue to mainstream human rights in all their policies, programmes and activities at all levels;

"(ii) To pursue their activities in promoting a human rights-based approach to development;

"(iii) To strengthen their cooperation with the Office of the High Commissioner;

"(d) International financial and multilateral trading systems to continue to mainstream human rights in their policies and objectives;

"5. *Encourages* the United Nations High Commissioner for Human Rights:

"(a) To enhance her cooperation with all relevant United Nations bodies, including the General Assembly, the Economic and Social Council and the Security Council;

"(b) To intensify her efforts to integrate human rights throughout the United Nations system, inter alia, through enhanced cooperation with United Nations bodies, funds and programmes and, at the request of States, the implementation of the Action 2 initiative;

"(c) To continue her efforts to improve coordination and cooperation in the field of human rights, in particular with respect to the implementation of the Millennium Declaration and the Millennium Development Goals, and to seek cooperation by concerned Governments as well as United Nations agencies, funds and programmes for that purpose;

"6. *Calls upon* Member States:

"(a) To integrate the promotion and protection of human rights into national policies;

"(b) To further contribute actively towards mainstreaming of human rights within the United Nations system;

"(c) To consider urgently contributing to the joint initiative of the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Group and the Executive Committee for Humanitarian Affairs on strengthening United Nations support, at the request of States, for national human rights protection and promotion systems;

"7. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-first session."

62. At the same meeting, the Committee also had before it amendments to draft resolution A/C.3/60/L.44/Rev.1, submitted by South Africa (A/C.3/60/L.73), by which:

(a) The title of the draft resolution would be revised to read: "Right to development and human rights mainstreaming in the United Nations system";

(b) The first preambular paragraph would be deleted;

(c) In the fourth preambular paragraph, after the words "all human rights", the phrase "including the realization of the right to development, are the legitimate concern and priority for the international community," would be inserted and the words "is one of the priorities of the international community" would be deleted;

(d) The sixth preambular paragraph would be deleted;

(e) In the seventh preambular paragraph, after the words "all human rights", the words "including the realization of the right to development" would be inserted;

(f) At the end of the eighth preambular paragraph, the words "and to promote and protect the realization of the right to development and to enhance

support from relevant bodies of the United Nations system for this purpose" would be inserted;

(g) The ninth preambular paragraph would be deleted;

(h) The tenth preambular paragraph would be deleted or, if the paragraph could not be deleted, the following preambular paragraph would be incorporated into the text:

"*Reaffirming* the request to the High Commissioner for Human Rights, in mainstreaming the right to development, to effectively undertake activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions and to reflect those activities in detail in her report to the Commission on Human Rights at its sixty-second session";

(i) After subparagraph 1 (c), the following subparagraphs would be added:

"(d) Important work undertaken by the Commission on Human Rights, through its Working Group on the Right to Development, with respect to the operationalization of the right to development and its mainstreaming in the United Nations system;

"(e) Recent establishment of the High Commissioner for Human Rights' High-Level Task Force on the Operationalization of the Right to Development and the participation in this process by the United Nations specialized agencies, programmes and funds, international financial institutions and the multilateral trading system;

"(f) Growing realization and awareness within the United Nations system that the full enjoyment of all human rights and the realization of the right to development can be practically enjoyed through effective partnerships in the fields of human rights, development and financing at the national, regional and international levels";

(j) In operative paragraph 2, after the words "mainstream human rights", the phrase "and the right to development" would be inserted;

(k) Operative subparagraphs 4 (a) and (b) would be deleted;

(l) In operative paragraph 4 (c) (i), after the words "mainstream human rights", the phrase "and the right to development" would be inserted;

(m) Operative subparagraph 4 (d) would be replaced by the following:

"(d) International financial and multilateral trading system to continue to mainstream the right to development in their policies and operational activities";

(n) Operative subparagraph 5 (b) would be deleted;

(o) In operative subparagraph 6 (b), the words "and the right to development" would be inserted after the words "mainstreaming of human rights".

63. Also at its 48th meeting, the Committee was informed that the draft resolution had no programme budget implications.

64. At the same meeting, the representative of Belgium withdrew draft resolutions A/C.3/60/L.44 and Rev.1 (see A/C.3/60/SR.48).

P. Draft resolution A/C.3/60/L.49

65. At the 40th meeting, on 15 November, the representative of Cuba, on behalf of Algeria, Angola, Belarus, Botswana, Burundi, China, the Congo, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, El Salvador, Eritrea, Ethiopia, the Gambia, Indonesia, Iran (Islamic Republic of), the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Myanmar, Nigeria, the Russian Federation, Rwanda, Sierra Leone, the Sudan, the Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "Promotion of peace as a vital requirement for the full enjoyment of all human rights by all" (A/C.3/60/L.49). Subsequently, Bangladesh, Cambodia, Cameroon, Côte d'Ivoire, Guinea, Kenya, Madagascar, Tunisia, Turkmenistan and Uzbekistan joined in sponsoring the draft resolution.

66. At its 45th meeting, on 21 November, the Committee was advised that the draft resolution had no programme budget implications.

67. At the same meeting, the representative of Cuba orally revised operative paragraph 7 of the draft resolution by deleting the words "and encourages States to settle their disputes as early as possible".

68. Also at its 45th meeting, the Committee adopted draft resolution A/C.3/60/L.49, as orally revised, by a recorded vote of 113 to 51, with 8 abstentions (see para. 102, draft resolution XIV). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia,

Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Armenia, Chile, Equatorial Guinea, India, Mexico, Samoa, Singapore.

69. Before the vote, statements in explanation of vote were made by the representatives of the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union) and the United States of America (see A/C.3/60/SR.45).

Q. Draft resolution A/C.3/60/L.50

70. At the 40th meeting, on 15 November, the representative of Cuba, on behalf of Algeria, Angola, Belarus, Benin, Cameroon, China, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Ethiopia, Indonesia, Iran (Islamic Republic of), Kenya, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, the Russian Federation, the Sudan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "Respect for the principles of national sovereignty and diversity of democratic systems in electoral processes as an important element for the promotion and protection of human rights" (A/C.3/60/L.50). Subsequently, Cambodia, the Central African Republic, Mauritania, Pakistan, Rwanda, the Syrian Arab Republic, Turkmenistan, Uzbekistan and the United Republic of Tanzania joined in sponsoring the draft resolution.

71. At its 45th meeting, on 21 November, the Committee was advised that the draft resolution had no programme budget implications.

72. Also at its 45th meeting, the Committee adopted draft resolution A/C.3/60/L.50 by a recorded vote of 106 to 4, with 61 abstentions (see para. 102, draft resolution XV). The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian

Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Israel, Marshall Islands, United States of America.

Abstaining:

Albania, Andorra, Argentina, Armenia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Equatorial Guinea, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Iraq, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

R. Draft resolution A/C.3/60/L.52 and Rev.1

73. At the 40th meeting, on 15 November, the representative of Cuba, on behalf of Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia, Brazil, Burundi, Cape Verde, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Democratic Republic of the Congo, Dominica, Djibouti, Ecuador, El Salvador, Eritrea, Ethiopia, the Gambia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Indonesia, Islamic Republic of Iran, Jamaica, Kenya, the Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, the Libyan Arab Jamahiriya, Mali, Mauritius, Mexico, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Panama, Paraguay, Peru, Portugal, the Russian Federation, Rwanda, Saint Vincent and the Grenadines, Saint Lucia, Saudi Arabia, Senegal, Somalia, South Africa, Spain, the Sudan, the Syrian Arab Republic, Turkmenistan, Bolivarian Republic of Venezuela, Viet Nam and Zimbabwe, introduced a draft resolution entitled "The right to food" (A/C.3/60/L.52). Subsequently, Austria, Bhutan, Cameroon, the Central African Republic, the Democratic People's Republic of Korea, the Dominican Republic, Fiji, Ghana, Ireland, Japan, Jordan, Lithuania, Madagascar, Malawi, Nepal, the Philippines, San Marino, Sierra Leone, Slovenia, Sri Lanka, Switzerland, Togo, Tunisia, Turkey and Zambia joined in sponsoring the draft resolution. The draft resolution, which read:

"*The General Assembly*,

"*Recalling* its resolution 59/202 of 20 December 2004, as well as all Commission on Human Rights resolutions in this regard, in particular resolution 2005/18 of 14 April 2005,

"*Recalling also* the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or

his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration,

"*Recalling further* the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the fundamental right of every person to be free from hunger is recognized,

"*Bearing in mind* the Rome Declaration on World Food Security and the World Food Summit Plan of Action and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,

"*Welcoming* the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations,

"*Reaffirming* that all human rights are universal, indivisible, interdependent and interrelated,

"*Reaffirming also* that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

"*Reiterating*, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

"*Convinced* that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

"*Recognizing* that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

"*Expressing its deep concern* at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in a massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

"*Stressing* the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

"1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

"2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain their physical and mental capacities;

"3. *Considers it intolerable* that there are about 852 million undernourished people in the world, that every five seconds a child under the age of 5 dies from hunger or hunger-related diseases somewhere in the world and that one person loses his/her eyesight every four minutes as a result of a lack of vitamin A, when, according to the Food and Agriculture Organization of the United Nations, the planet could produce enough food to provide 2,100 kilocalories per person per day to 12 billion people, twice the world's present population;

"4. *Expresses its concern* that women are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

"5. *Encourages* all States to take action to address discrimination against women, particularly where it contributes to the malnutrition of women and girls, including measures to ensure the realization of the right to food and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves;

"6. *Encourages* the Special Rapporteur of the Commission on Human Rights on the right to food to continue mainstreaming a gender perspective in the fulfilment of his mandate;

"7. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

"8. *Acknowledges* that at the annual sessions of the Working Group on Indigenous Populations of the Subcommission on the Promotion and the Protection of Human Rights and of the Permanent Forum on Indigenous Issues, many indigenous organizations and representatives of indigenous communities have expressed their deep concerns over the obstacles and challenges to their full enjoyment of the right to food, and that this situation needs to be addressed;

"9. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the

need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

"10. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

"11. *Expresses its appreciation* for the New York Declaration on Action against Hunger and Poverty, which has been supported by more than one hundred countries to date, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

"12. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, and invites once again all international financial and developmental institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

"13. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

"14. *Stresses* the importance of international development cooperation and assistance, in particular in emergency situations such as natural disasters, diseases and pests, for the realization of the right to food, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

"15. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa;

"16. *Urges* the international organizations, such as the World Bank, the International Monetary Fund and the World Trade Organization, to refrain from obliging member States, in particular developing countries, to adopt policies, structural adjustment programmes and rules on trade in agriculture and other areas that hinder and negatively impact the realization of the right to food;

"17. *Takes note* of the interim report of the Special Rapporteur of the Commission on Human Rights on the right to food, and commends the Special Rapporteur for his valuable work in the promotion of the right to food;

"18. *Supports* the realization of the mandate of the Special Rapporteur as extended by the Commission on Human Rights in its resolution 2003/25 of 22 April 2003;

"19. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

"20. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

"21. *Recalls* general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in realization of the right to adequate food;

"22. *Welcomes* the adoption by the Council of the Food and Agriculture Organization of the United Nations, of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, which mark an important step in the progress towards the promotion, protection and implementation of human rights for all;

"23. *Also welcomes* the continued cooperation of the High Commissioner, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

"24. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task, to supply all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, to enable him to fulfil his mandate more effectively;

"25. *Requests* the Special Rapporteur to submit a comprehensive report to the Commission on Human Rights at its sixty-second session and an interim report to the General Assembly at its sixty-first session on the implementation of the present resolution;

"26. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

"27. *Decides* to continue the consideration of the question at its sixty-first session under the item entitled 'Human rights questions'."

74. At the same meeting, the representative of Cuba orally revised the draft resolution. The revisions were subsequently incorporated into a revised text (A/C.3/60/L.52/Rev.1).

75. At the 45th meeting, on 21 November, the Committee had before it the revised draft resolution (A/C.3/60/L.52/Rev.1), submitted by Algeria, Angola, Antigua and

Barbuda, Argentina, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Brazil, Burundi, Cameroon, Cape Verde, the Central African Republic, Chile, China, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Dominica, the Dominican Republic, Djibouti, Ecuador, El Salvador, Eritrea, Ethiopia, Fiji, the Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Indonesia, Islamic Republic of Iran, Ireland, Jamaica, Japan, Jordan, Kenya, the Lao People's Democratic Republic, Lebanon, Lesotho, Lithuania, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritius, Mexico, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Panama, Paraguay, Peru, the Philippines, Portugal, the Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovenia, Somalia, South Africa, Spain, Sri Lanka, the Sudan, Switzerland, the Syrian Arab Republic, Togo, Tunisia, Turkey, Turkmenistan, Bolivarian Republic of Venezuela, Viet Nam, Zambia and Zimbabwe. Subsequently, Afghanistan, Andorra, Armenia, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Cambodia, Colombia, the Comoros, Egypt, Finland, France, Honduras, India, Italy, Mauritania, Mozambique, Norway, Oman, Pakistan, Qatar, the Republic of Moldova, Romania, Seychelles, Suriname, Thailand, Timor-Leste, Trinidad and Tobago, Uganda, the United Republic of Tanzania and Uruguay joined in sponsoring the draft resolution.

76. At the same meeting, the Secretary read out a statement on the financial implications of the draft resolution (see A/C.3/60/SR.45).

77. Also at the same meeting, the representative of Cuba orally revised operative paragraph 8 of the draft resolution by replacing the word "pervasive" by the word "continuous".

78. At its 45th meeting, the Committee adopted draft resolution A/C.3/60/L.52/Rev.1, as orally revised, by a recorded vote of 171 to 1, with 1 abstention (see para. 10, draft resolution XVI). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway,

Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Israel.

79. Before the vote, the representative of the United States of America made a statement in explanation of vote (see A/C.3/60/SR.45).

S. Draft resolution A/C.3/60/L.54 and amendments thereto contained in document A/C.3/60/L.70

80. At the 40th meeting, on 15 November, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Angola, Argentina, Austria, Belgium, Benin, Bulgaria, Canada, Chile, Colombia, the Congo, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lithuania, Luxembourg, Malta, Mauritius, Monaco, the Netherlands, New Zealand, Nicaragua, Norway, Peru, the Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Saint Vincent and the Grenadines, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United Republic of Tanzania, introduced a draft resolution entitled "Elimination of all forms of intolerance and of discrimination based on religion or belief" (A/C.3/60/L.54). Subsequently, Albania, Andorra, Armenia, Australia, Bolivia, Bosnia and Herzegovina, Brazil, Cape Verde, the Central African Republic, the Dominican Republic, Ecuador, Fiji, Iceland, Liechtenstein, Nigeria, Panama, Paraguay, San Marino, Sierra Leone, Thailand, Timor-Leste, Turkey, Ukraine, the United Republic of Tanzania, the United States of America and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

81. At its 43rd meeting, on 18 November, the Committee was advised that the draft resolution contained no programme budget implications.

82. At the same meeting, the Committee had before it amendments to draft resolution A/C.3/60/L.54, submitted by the delegation of Yemen in document A/C.3/60/L.70, by which:

(a) After operative paragraph 4, two new paragraphs would be added, reading:

"*Emphasizes* that States, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and freedom of religion and belief, and deplores the use of print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or related intolerance and discrimination towards all religions;

"*Urges* States to take resolute action to prohibit the dissemination through institutions and organizations of racist and xenophobic ideas and material aimed at any belief and religion or their followers that constitute incitement to discrimination, intimidation and coercion".

(b) In operative paragraph 5, the words "and other" would be inserted after the words "many religious".

83. Also at the 43rd meeting, the representative of the United Kingdom revised the draft resolution as follows:

(a) A new preambular paragraph was added after the fifth preambular paragraph reading:

"*Acknowledging* that in order to be effective, such a dialogue should be based on respect for the dignity of adherents of religions and beliefs, as well as respect for diversity and the universal promotion and protection of human rights";

(b) In the eighteenth preambular paragraph, the word "respect" was inserted after the words "promoting tolerance";

(c) In operative paragraph 5, the words "and other" were inserted before the word "communities";

(d) After operative paragraph 6, a new paragraph 7 was inserted, reading:

"7. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual and electronic media or any other means";

(e) In operative paragraph 9 (a), the words "as well as incitement to hostility and violence" were inserted after the word "belief".

84. At the same meeting, the representative of Yemen withdrew document A/C.3/60/L.70 (see A/C.3/60/SR.43).

85. Also at the same meeting, the Committee adopted draft resolution A/C.3/60/L.54, as orally revised, without a vote (see para. 102, draft resolution XVII).

T. Draft resolution A/C.3/60/L.55

86. At the 40th meeting, on 15 November, the representative of the Islamic Republic of Iran, on behalf of Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Burkina Faso, China, the Congo, Cuba, Djibouti, Egypt, Eritrea, Ethiopia, Indonesia, Iran (Islamic Republic of), Iraq, Kazakhstan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Myanmar, the Niger, Nigeria, Oman, Pakistan, Saudi Arabia, Senegal, Sri Lanka, the Sudan, the Syrian

Arab Republic, Thailand, Turkmenistan, the United Republic of Tanzania and Viet Nam, introduced a draft resolution entitled "Human rights and cultural diversity" (A/C.3/60/L.55). Subsequently, Afghanistan, Cambodia, the Central African Republic, the Comoros, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Guinea, India, Jordan, Kenya, Mali, Qatar, Sierra Leone, South Africa, Tunisia, Uzbekistan and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

87. At its 47th meeting, on 23 November, the Committee was advised that the draft resolution contained no programme budget implications.

88. At the same meeting, the representative of the Islamic Republic of Iran further orally revised the draft resolution as follows:

(a) In the second preambular paragraph, the words "and 58/167 of 22 December 2003" were inserted before the words "and recalling further";

(b) In operative paragraph 15, the words "give full and equal attention to" were replaced by the words "continue to bear in mind fully".

89. Also at its 47th meeting, the Committee adopted draft resolution A/C.3/60/L.55, as orally revised, without a vote (see para. 102, draft resolution XVIII).

U. Draft resolution A/C.3/60/L.56 and Rev.2 and amendments thereto contained in document A/C.3/60/L.71

90. At the 40th meeting, on 15 November, the representative of Norway, on behalf of Argentina, Australia, Austria, Belgium, Bolivia, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, Nigeria, Norway, Poland, Portugal, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Protection of and assistance to internally displaced persons" (A/C.3/60/L.56). Subsequently, Angola, the Central African Republic, Colombia, Kenya, Latvia, the Republic of Moldova and Sierra Leone joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Deeply disturbed* by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

"*Recognizing* the significant number of persons who have become internally displaced owing to natural disasters over the course of the past twelve months,

"*Conscious* of the human rights and the humanitarian dimensions of the problem of internally displaced persons, including those who are in situations

of protracted displacement, and the responsibilities of States and the international community to strengthen further their protection and assistance,

"*Emphasizing* that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction as well as to address the root causes of the displacement problem in cooperation with the international community,

"*Noting* the growing awareness of the international community of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, or local integration,

"*Recalling* the relevant norms of international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,

"*Emphasizing* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, and welcoming the continued initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them,

"*Commending* the Representative of the Secretary-General on the human rights of internally displaced persons for the activities undertaken so far, for the catalytic role that he plays in raising the level of consciousness about the plight of internally displaced persons and his efforts to promote a comprehensive strategy that focuses on prevention as well as better protection and assistance and addressing the specific needs of internally displaced persons, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system,

"*Taking note* of Commission on Human Rights resolution 2005/46 of 19 April 2005 and recalling the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, regarding the need to develop global strategies to address the problem of internal displacement,

"*Deploring* practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and noting that the Rome Statute of the International Criminal Court defines the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation or transfer of the civilian population, as well as ordering the displacement of the civilian population, as war crimes,

"*Welcoming* the increasing dissemination, promotion and application of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement,

"*Welcoming* the cooperation established between the new Representative of the Secretary-General and the United Nations and other international and

regional organizations, in particular his participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies, as well as the memorandum of understanding with the Inter-Agency Internal Displacement Division within the Office for the Coordination of Humanitarian Affairs of the Secretariat and the Global IDP Project of the Norwegian Refugee Council,

"*Taking note* of the efforts currently under way by the United Nations humanitarian system, in keeping with a collaborative approach, to strengthen its response capacity to meet the protection and assistance needs of internally displaced persons,

"*Acknowledging* with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

"*Recalling* its resolution 58/177 of 22 December 2003,

"1. *Welcomes* the appointment of the new Representative of the Secretary-General on the human rights of internally displaced persons;

"2. *Welcomes also* the report of the Representative of the Secretary-General, and takes note of his conclusions and recommendations;

"3. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;

"4. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the causes of internal displacement, the needs and rights of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for internally displaced persons, taking into account specific situations, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;

"5. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, forced recruitment and abduction, and welcomes the commitment of the Representative of the Secretary-General to pay more systematic and in-depth attention to their particular assistance, protection and development needs, as well as to other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and bearing in mind Security Council resolution 1325 (2000) of 31 October 2000;

"6. *Notes with appreciation* the increasing role of national human rights institutions in monitoring the situation of internally displaced persons and in assisting them, and in promoting and protecting their human rights;

"7. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into

consideration, when appropriate, in peace processes and reintegration and rehabilitation processes;

"8. *Recognizes* the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons, welcomes the fact that an increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

"9. *Welcomes* the fact that the Representative of the Secretary-General continues to use the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles and to encourage their incorporation into national legislation and policies;

"10. *Urges* all Governments to continue to facilitate the activities of the Representative of the Secretary-General, in particular Governments with situations of internal displacement, and to give serious consideration to inviting the Representative to visit their countries so as to enable him to advise Governments in addressing situations of internal displacement, and thanks those Governments that have already done so;

"11. *Invites* Governments to give serious consideration, in dialogue with the Representative of the Secretary-General, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

"12. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons;

"13. *Emphasizes* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons and notes with appreciation the work of the Inter-Agency Internal Displacement Division within the Office for the Coordination of Humanitarian Affairs of the Secretariat;

"14. *Also emphasizes* the need to strengthen further inter-agency arrangements and the capacities of the United Nations agencies and other relevant actors to meet the immense humanitarian challenges of internal displacement, and underlines in this regard the importance of an effective, accountable and predictable collaborative approach;

"15. *Encourages* all relevant United Nations agencies and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and in countries with situations of internal displacement, and to provide all possible assistance and support to the Representative of the Secretary-General;

"16. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated inter-agency appeals process, and encourages further efforts in this regard;

"17. *Also notes with appreciation* the establishment of the global database on internally displaced persons at the request of the Inter-Agency Standing Committee and the support it provides to the Emergency Relief Coordinator and the Representative of the Secretary-General on the human rights of internally displaced persons in carrying out their respective mandates, as well as to Governments and to the members of the Standing Committee, and encourages the members of the Standing Committee and Governments to continue to collaborate and support this effort, including by providing relevant data on situations of internal displacement and financial resources;

"18. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Cooperation in Europe, the Intergovernmental Authority on Development, the Council of Europe, the Commonwealth and the Economic Community of West African States, to address the protection, assistance and development needs of internally displaced persons, and encourages them and other regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

"19. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Representative to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

"20. *Requests* the Representative of the Secretary-General to prepare, for consideration by the General Assembly at its sixty-second session, a report on the implementation of the present resolution;

"21. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixty-second session."

91. At its 46th meeting, on 22 November, the Committee had before it document A/C.3/60/L.71, containing amendments to the draft resolution, submitted by the delegation of Azerbaijan, by which, after the third preambular paragraph, a new preambular paragraph would be inserted, reading:

"*Expressing particular concern* that many internal displacement situations are being paid insufficient attention owing to their protracted nature, and recognizing the need to pay more systematic and in-depth attention to the assistance, protection and development needs of internally displaced persons in these situations by States and the international community".

92. At the same meeting, the Committee also had before it a revised draft resolution submitted by the sponsors of draft resolution A/C.3/60/L.56 and Alt .nia, Andorra, Armenia, Bosnia and Herzegovina, Costa Rica, Côte d'Ivoire, Cyprus, the Dominican Republic, Ecuador, El Salvador, Iceland, Luxembourg, Mali, Micronesia (Federated States of), Mozambique, Panama, the Republic of Korea, San Marino, Serbia and Montenegro, Spain, the former Yugoslav Republic of Macedonia, Thailand, Turkey and Ukraine (A/C.3/60/L.56/Rev.2). Subsequently, Brazil,

Bulgaria, the Congo, the Democratic Republic of the Congo, Peru, Timor-Leste and Togo joined in sponsoring the revised draft resolution.

93. Also at the 46th meeting, the Secretary read out a statement of financial implications of the draft resolution (see A/C.3/60/SR.46).

94. At the same meeting, the representative of Norway orally revised the draft resolution as follows:

(a) In the third preambular paragraph, the words "including in long-term displacement situations" were inserted after the words "displaced persons";

(b) In the fifth preambular paragraph, the words "inter alia, for long-term displacement situations" after the words "durable solutions" were deleted.

95. Also at the 46th meeting, the representative of Azerbaijan withdrew document A/C.3/60/L.71 (see A/C.3/60/SR.46).

96. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/60/L.56/Rev.2, as orally revised, without a vote (see para. 102, draft resolution XIX).

V. Draft resolution A/C.3/60/L.57 and Rev.1

97. At the 40th meeting, on 15 November, the representative of Mexico, on behalf of Azerbaijan, Brazil, Chile, Colombia, Ecuador, Egypt, El Salvador, the Gambia, Guatemala, Honduras, Indonesia, Kyrgyzstan, Mali, Mexico, Paraguay, Peru, the Philippines, Sri Lanka and Uruguay, introduced a draft resolution entitled "Protection of migrants" (A/C.3/60/L.57). Subsequently, Bolivia, Burkina Faso, Cuba, Ethiopia, Fiji, Ghana, Haiti, Kenya, Nicaragua, Nigeria and Senegal joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Reaffirming* the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

"*Recalling* its resolution 59/194 of 20 December 2004, taking note of Commission on Human Rights resolution 2005/47 of 19 April 2005, and recalling its resolution 40/144 of 13 December 1985, by which it adopted the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

"*Considering* that every State party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, and that every State party to the International Covenant on Economic, Social and Cultural Rights has undertaken to guarantee the exercise of all rights enunciated in that Covenant without discrimination of any kind, including, in particular, on the basis of national origin,

"*Reaffirming* the provisions concerning migrants adopted by the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and expressing its satisfaction at the important recommendations made for the development of international and national strategies for the protection of migrants and for the design of migration policies that fully respect the human rights of migrants,

"*Recalling* the renewed commitment made in the United Nations Millennium Declaration and at the 2005 World Summit to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in all societies and to promote greater harmony and tolerance,

"*Recalling also* advisory opinions OC 16/99 of 1 October 1999 and OC 18/03 of 17 September 2003, issued by the Inter-American Court of Human Rights, on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and on the Juridical Condition and Rights of the Undocumented Migrants, respectively,

"*Taking note* of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*, and recalling the obligations of States reaffirmed therein,

"*Encouraged* by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

"*Aware* of the increasing number of migrants worldwide, and bearing in mind the situation of vulnerability in which migrants and their families frequently find themselves, owing, inter alia, to their absence from their States of origin and to the difficulties they encounter because of discrimination, differences of language, custom and culture, as well as the economic and social difficulties and obstacles to the return to their States of origin, of migrants, especially those who are non-documented or in an irregular migratory situation,

"*Emphasizing* the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

"*Bearing in mind* that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as the full respect of human rights and fundamental freedoms of migrants,

"*Concerned* at the large and growing number of migrants, especially women and children, who attempt to cross international borders without the required travel documents, which places these migrants in a particularly

vulnerable situation, and recognizing the obligation of States to respect the human rights of these migrants,

"*Deeply concerned* at the manifestations of violence, racism, racial discrimination, xenophobia and other forms of intolerance and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

"*Concerned* that the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has indicated the appearance of new forms of discrimination targeting migrants, among other groups,

"*Noting with interest* the joint statement by United Nations Special Rapporteurs, Special Representatives, Independent Experts and Chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme at their eleventh annual meeting, in which they expressed their strong concern regarding the continued deterioration in the situation and the denial of the human rights of migrants, in particular current attempts to institutionalize discrimination against and exclusion of migrants,

"*Highlighting* the importance of creating conditions that favour greater harmony, tolerance and respect between migrants and the rest of society in the countries in which they find themselves in order to eliminate manifestations of racism and xenophobia against migrants and members of their families,

"*Recognizing* the positive and diverse contributions that migrants make to host and origin societies and the efforts that some host countries undertake to integrate migrants and their families,

"*Recognizing also* the increasing participation of women in international migration movements,

"*Welcoming* the work of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families,

"*Noting with appreciation* the work done by the International Labour Organization in the field of the rights of migrant workers,

"*Resolved* to ensure respect for the human rights and fundamental freedoms of all migrants,

"1. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, and urges States effectively to apply the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts, and calls upon States to implement fully the commitments and recommendations relating to the promotion and protection of human rights of migrants contained in the Durban Declaration and Programme of Action through, inter alia, the adoption of national plans of action, as recommended by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

"2. *Also strongly condemns* all forms of racial discrimination and xenophobia related to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public;

"3. *Welcomes* the active role played by governmental and non-governmental organizations in combating racism and xenophobia and in assisting victims of racist acts, including migrant victims;

"4. *Calls upon* all States to consider reviewing and, where necessary, revising immigration policies with a view to eliminating all discriminatory practices against migrants and their families and adopting effective action to create conditions that foster greater harmony and tolerance within societies, and to provide specialized training for government policymaking, law enforcement, migration and other concerned officials, including in cooperation with non-governmental organizations and civil society;

"5. *Requests* States effectively to promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and other relevant human rights instruments, norms and standards;

"6. *Requests* all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give the necessary relevance to international, regional and bilateral cooperation in this field, with a view to addressing, in a comprehensive manner, its causes and consequences and granting priority to the protection of human rights of migrants;

"7. *Welcomes* the increasing number of signatures and ratifications or accessions to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and calls upon States that have not done so to consider urgently signing and ratifying or acceding to the Convention;

"8. *Encourages* States parties to implement fully the United Nations Convention against Transnational Organized Crime and the two additional protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and urges States that have not done so to consider ratifying them;

"9. *Reaffirms emphatically* the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations of 1963, in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in the case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform without delay the foreign national of his or her rights under the Convention;

"10. *Expresses concern* about the legislation and the measures adopted by some States that restrict the human rights and fundamental freedoms of migrants;

"11. *Welcomes* immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment, and encourages States to consider the possibility of adopting these types of programmes;

"12. *Calls upon* States to facilitate family reunification in an expeditious and effective manner, with due regard to applicable laws, as such reunification has a positive effect on the integration of migrants;

"13. *Encourages* all States to integrate a gender perspective in developing international migration policies and programmes in order to adopt the necessary measures to better protect women and girls against dangers and abuse during migration and to foster their opportunities to contribute to their societies of origin and destination;

"14. *Calls upon* States to protect and promote all human rights of migrant children, given their vulnerability, in particular unaccompanied migrant children, ensuring that the best interests of the children are a primary consideration, underlines the importance of reuniting them with their parents, when possible, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations for strengthening their protection, especially against sexual abuse, sexual exploitation, threat or use of force or other forms of coercion, including coercion into begging and drug dealing, in particular by national or transnational organized crime groups;

"15. *Encourages* States of origin to promote and protect the human rights of those families of migrant workers that remain in the countries of origin, paying particular attention to children and adolescents whose parents have emigrated, and encourages international organizations to consider supporting States in this regard;

"16. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, firmly to prosecute violations of labour law with regard to the conditions of work of migrant workers, including those related to, inter alia, their remuneration and the conditions of health, safety at work and the right to freedom of association;

"17. *Encourages* all States to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of

migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

"18. *Calls upon* States to observe national legislation and applicable international legal instruments to which they are party when enacting national security measures in order to respect the human rights of migrants;

"19. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants and to take actions to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

"20. *Also urges* all States to promote and adopt effective measures to enforce their immigration laws and border controls only by means of duly authorized and trained government officials and to prevent private persons or groups from carrying out conduct reserved for such government officials, as well as to prosecute and punish those violations of the law that may result from such conduct;

"21. *Requests* States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants and their families respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants and their families, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

"22. *Encourages* States that have not yet done so to enact domestic legislation and to take further effective measures to combat and prosecute international trafficking in and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may include debt bondage, slavery and sexual exploitation or forced labour, and also encourages States to strengthen international cooperation to combat such trafficking and smuggling;

"23. *Also encourages* States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone, in particular women, to make informed decisions and to prevent them from becoming victims of trafficking and utilizing dangerous means of access that put their lives and physical integrity at risk;

"24. *Encourages* States to consider participating in international and regional dialogues on migration that include countries of origin and destination, as well as countries of transit, and invites them to consider negotiating bilateral and regional agreements on migrant workers within the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;

"25. *Requests* Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and her Office, as well as the Special Rapporteur of the Commission on Human Rights on the human rights of migrants, to ensure that the perspective of human rights of migrants is included as a priority issue in the ongoing analysis on migration and development within the United Nations system, including, in particular, at the high-level dialogue that will be held during the sixty-first session of the General Assembly, pursuant to resolution 58/208 of 23 December 2003;

"26. *Calls upon* States, the United Nations system and intergovernmental and non-governmental organizations to observe, on 18 December of each year, International Migrants Day, proclaimed by the General Assembly, through, inter alia, the dissemination of information on the human rights and fundamental freedoms of migrants and on their economic, social and cultural contributions to their host and home countries, the sharing of experience and the adoption of measures to ensure their protection, and to promote greater harmony between migrants and the societies in which they live;

"27. *Welcomes* the renewal of the mandate of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants for a period of three years and the appointment of the new Special Rapporteur, as well as the interim report submitted by him to the General Assembly, including the proposed methods of work for the fulfilment of his mandate;

"28. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to respond appropriately and expeditiously to his urgent appeals and to give serious consideration to his requests to visit their countries, and welcomes in this regard the standing invitations extended by some Member States to all special procedures, including the Special Rapporteur;

"29. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

"30. *Requests* the Secretary-General to give the Special Rapporteur all the human and financial assistance necessary for the fulfilment of his mandate;

"31. *Takes note with appreciation* of the report of the Secretary-General, and calls upon Member States and all relevant stakeholders to consider the implementation of the recommendations contained therein;

"32. *Decides* to examine the question further at its sixty-first session under the sub-item."

98. At its 48th meeting, on 23 November, the Committee had before it a revised draft resolution submitted by the sponsors of draft resolution A/C.3/60/L.57 and Argentina, Armenia, Azerbaijan, Bangladesh, Belize, Cape Verde, Costa Rica, Egypt, Honduras, Indonesia, Kyrgyzstan, Mauritius, Morocco, Paraguay, Tajikistan, Timor-Leste, Turkey and Uruguay (A/C.3/60/L.57/Rev.1). Subsequently, the Central African Republic, Côte d'Ivoire, the Niger, Saint Lucia, Saint Vincent and the Grenadines and the Sudan joined in sponsoring the draft resolution.

99. At the same meeting, the Secretary read out a statement of financial provisions relating to the draft resolution.

100. Also at the 48th meeting, the representative of Mexico orally revised the draft resolution by replacing operative paragraph 20, which read:

> "20. *Also urges* all States to promote and adopt effective measures to enforce their immigration laws and border controls only by means of duly authorized and trained government officials and to prevent private persons or groups from carrying out conduct reserved for such government officials, as well as to prosecute and punish those violations of the law that may result from such conduct",

by the following:

> "20. *Also urges* all States to employ duly authorized and trained government officials to enforce their immigration laws and border controls and to take appropriate and effective measures to deter and prevent private persons or groups from violating criminal and immigration laws relating to border enforcement and from wrongfully undertaking actions reserved to government officials, including by prosecuting those violations of the law that may result from such actions".

101. At the same meeting, the Committee adopted draft resolution A/C.3/60/L.57/Rev.1, as orally revised, without a vote (see para. 102, draft resolution XX).

III. Recommendations of the Third Committee

102. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Combating defamation of religions

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also the relevant resolutions of the Commission on Human Rights in this regard,

Recalling further the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000,[1] welcoming the resolve expressed in the Declaration to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels, including in the context of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,[2]

Recalling the proclamation of the Global Agenda for Dialogue among Civilizations,[3] and inviting States, the organizations and bodies of the United Nations system, within existing resources, other international and regional organizations and civil societies to contribute to the implementation of the Programme of Action contained in the Global Agenda,

Welcoming the progress achieved in the follow-up to the Durban Declaration and Programme of Action,

Noting with regret the cancellation of the meeting entitled "Civilization and harmony: values and mechanisms of the global order", which was to be held in Turkey in 2004 as a follow-up to the Organization of the Islamic Conference-European Union Joint Forum on Civilizations and Harmony: the Political Dimension, held in Istanbul on 12 and 13 February 2002, and underscoring that such initiatives to deepen dialogue and reinforce understanding among the two biggest groups of nations of Eurasia and Africa will be continued,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Convinced that religious and cultural diversity in a globalizing world needs to be used as a vehicle for creativity, dynamism and promoting social justice, tolerance

[1] See resolution 55/2.

[2] See A/CONF.189/12 and Corr.1, chap. I.

[3] Resolution 56/3.

and understanding, as well as international peace and security, and not as a rationale for a new ideological and political confrontation,

Recognizing the valuable contributions of all religions to modern civilization and the contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Reaffirming that cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature that enriches our societies,

Emphasizing that States, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and freedom of religion and belief, in particular through education that teaches tolerance and respect for religion and belief,

Alarmed at the continuing negative impact of the events of 11 September 2001 on Muslim minorities and communities in some non-Muslim countries, the negative projection of Islam in the media and the introduction and enforcement of laws that specifically discriminate against and target Muslims,

Alarmed also at the serious instances of intolerance, discrimination and acts of violence based on religion or belief, intimidation and coercion motivated by extremism, religious or otherwise, occurring in many parts of the world and threatening the enjoyment of human rights and fundamental freedoms,

Noting with concern that defamation of religions is among the causes of social disharmony and leads to violations of human rights,

Noting with deep concern the increasing trend in recent years of statements attacking religions, Islam and Muslims in particular, especially in human rights forums,

1. *Expresses deep concern* at negative stereotyping of religions and manifestations of intolerance and discrimination in matters of religion or belief still in evidence in some regions of the world;

2. *Strongly deplores* physical attacks and assaults on businesses, cultural centres and places of worship of all religions as well as targeting of religious symbols;

3. *Notes with deep concern* the intensification of the campaign of defamation of religions and the ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001;

4. *Expresses its deep concern* that Islam is frequently and wrongly associated with human rights violations and terrorism;

5. *Also expresses its deep concern* at programmes and agendas pursued by extremist organizations and groups aimed at the defamation of religions, in particular when supported by Governments;

6. *Deplores* the use of the print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or related intolerance and discrimination towards Islam or any other religion;

7. *Recognizes* that in the context of the fight against terrorism and the reaction to counter-terrorism measures, defamation of religions becomes an aggravating factor that contributes to the denial of fundamental rights and freedoms of target groups, as well as their economic and social exclusion;

8. *Stresses* the need to effectively combat defamation of all religions, Islam and Muslims in particular, especially in human rights forums;

9. *Urges* States to take resolute action to prohibit the dissemination through political institutions and organizations of racist and xenophobic ideas and material aimed at any religion or its followers that constitute incitement to discrimination, hostility or violence;

10. *Also urges* States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions, to take all possible measures to promote tolerance and respect for all religions and their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance;

11. *Urges* all States to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and that necessary and appropriate education or training is provided;

12. *Underscores* the need to combat defamation of religions by strategizing and harmonizing actions at local, national, regional and international levels through education and awareness-raising;

13. *Urges* States to ensure equal access to education for all, in law and in practice, including access to free primary education for all children, both girls and boys, and access for adults to lifelong learning and education based on respect for human rights, diversity and tolerance, without discrimination of any kind, and to refrain from any legal or other measures leading to racial segregation in access to schooling;

14. *Calls upon* the international community to initiate a global dialogue to promote a culture of tolerance and peace based on respect for human rights and religious diversity, and urges States, non-governmental organizations, religious bodies and the print and electronic media to support and promote such a dialogue;

15. *Calls upon* the United Nations High Commissioner for Human Rights to promote and include human rights aspects in the dialogue among civilizations, inter alia, through:

(a) Integrating them into topical seminars and special debates on the positive contributions of cultures, as well as religious and cultural diversity, including through educational programmes, particularly the World Programme for Human Rights Education proclaimed on 10 December 2004;[4]

(b) Collaboration by the Office of the United Nations High Commissioner for Human Rights with other relevant international organizations in holding joint

[4] See resolution 59/113 A.

conferences designed to encourage this dialogue and promote understanding of the universality of human rights and their implementation at various levels;

16. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-first session.

Draft resolution II
Subregional Centre for Human Rights and Democracy in Central Africa

The General Assembly,

Recalling its resolution 55/105 of 4 December 2000 concerning regional arrangements for the promotion and protection of human rights,

Recalling also its resolution 59/183 of 20 December 2004 on the Subregional Centre for Human Rights and Democracy in Central Africa,

Recalling further its resolutions 55/34 B of 20 November 2000, 55/233 of 23 December 2000, section III of 55/234 of 23 December 2000 and 58/176 of 22 December 2003,

Recalling that the World Conference on Human Rights recommended that more resources be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,[1]

Recalling also the report of the United Nations High Commissioner for Human Rights,[2]

Taking note of the holding of the twenty-second ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa in Brazzaville from 14 to 18 March 2005,[3]

Taking note also of the report of the Secretary-General on the Centre,[4]

Welcoming the 2005 World Summit Outcome,[5] in particular the decision confirmed therein to double the regular budget of the Office of the United Nations High Commissioner for Human Rights over the next five years,

1. *Welcomes* the activities of the Subregional Centre for Human Rights and Democracy in Central Africa at Yaounde;

2. *Notes with satisfaction* the support provided for the establishment of the Centre by the host country;

3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide additional funds and human resources to enable the Subregional Centre to respond positively and effectively to the growing needs in the promotion and protection of human rights and in developing a culture of democracy in the Central African subregion;

4. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-first session a report on the implementation of the present resolution.

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[1] See A/CONF.157/24 (Part I), chap. III.

[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 36*, addendum (A/56/36/Add.1).

[3] A/59/769-S/2005/212, annex.

[4] A/60/353.

[5] Resolution 60/1.

Draft resolution III
Globalization and its impact on the full enjoyment of all human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, expressing, in particular, the need to achieve international cooperation in promoting, and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights,[1] as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2]

Recalling also the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3]

Recalling further the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling the United Nations Millennium Declaration[4] and the outcome documents of the twenty-third[5] and twenty-fourth[6] special sessions of the General Assembly, held in New York from 5 to 10 June 2000 and in Geneva from 26 June to 1 July 2000, respectively,

Recalling also its resolution 59/184 of 20 December 2004,

Recalling further Commission on Human Rights resolution 2005/17 of 14 April 2005 on globalization and its impact on the full enjoyment of all human rights,[7]

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more exposed to external developments, positive as well as negative, inter alia, in the field of human rights,

Realizing also that globalization is not merely an economic process, but that it also has social, political, environmental, cultural and legal dimensions, which have an impact on the full enjoyment of all human rights,

Reaffirming the affirmation of the commitment contained in paragraphs 19 and 47 of the 2005 World Summit Outcome[8] to promote fair globalization and the

[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.
[3] See resolution 2200 A (XXI), annex.
[4] See resolution 55/2.
[5] Resolution S-23/2, annex, and resolution S-23/3, annex.
[6] Resolution S-24/2, annex.
[7] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.
[8] See resolution 60/1.

development of the productive sectors in developing countries to enable them to participate more effectively in and benefit from the process of globalization,

Realizing the need to undertake a thorough, independent and comprehensive assessment of the social, environmental and cultural impact of globalization on societies,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, convinced that, in their rich variety and diversity and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind, and aware that the risk of a global monoculture poses more of a threat if the developing world remains poor and marginalized,

Recognizing also that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy,

Expressing concern at the negative impact of international financial turbulence on social and economic development and on the full enjoyment of all human rights,

Recognizing that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as equity, participation, accountability, non-discrimination at both the national and international levels, respect for diversity, tolerance and international cooperation and solidarity,

Emphasizing that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights; its immediate alleviation and eventual elimination must remain a high priority for the international community,

Strongly reiterating the determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including those agreed at the Millennium Summit that are described as the Millennium Development Goals, which have helped to galvanize efforts towards poverty eradication,

Deeply concerned at the inadequacy of measures to narrow the widening gap between the developed and the developing countries, and within countries, which has contributed, inter alia, to deepening poverty and has adversely affected the full enjoyment of all human rights, in particular in developing countries,

Noting that human beings strive for a world that is respectful of human rights and cultural diversity and that, in this regard, they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. *Emphasizes* that development should be at the centre of the international economic agenda and that coherence between national development strategies, and

international obligation and commitments are imperative for an enabling environment for development and an inclusive and equitable globalization;

3. *Reaffirms* that narrowing the gap between rich and poor, both within and between countries, is an explicit goal at the national and international levels, as part of the effort to create an enabling environment for the full enjoyment of all human rights;

4. *Reaffirms also* the commitment to create an environment at both the national and the global levels that is conducive to development and to the elimination of poverty through, inter alia, good governance within each country and at the international level, transparency in the financial, monetary and trading systems and commitment to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;

5. *Recognizes* that, while globalization offers great opportunities, the fact that its benefits are very unevenly shared and its costs unevenly distributed represents an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries;

6. *Welcomes* the report of the United Nations High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights,[9] which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

7. *Calls upon* Member States, relevant agencies of the United Nations system, intergovernmental organizations and civil society to promote equitable and environmentally sustainable economic growth for managing globalization so that poverty is systematically reduced and the international development targets are achieved;

8. *Recognizes* that only through broad and sustained efforts, including policies and measures at the global level to create a shared future based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights;

9. *Underlines* the urgent need to establish an equitable, transparent and democratic international system to strengthen and broaden the participation of developing countries in international economic decision-making and norm-setting;

10. *Affirms* that globalization is a complex process of structural transformation, with numerous interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development;

11. *Affirms also* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

12. *Underlines*, therefore, the need to continue to analyse the consequences of globalization for the full enjoyment of all human rights.

[9] E/CN.4/2002/54.

13. *Takes note* of the report of the Secretary-General,[10] and requests him to seek further the views of Member States and relevant agencies of the United Nations system and to submit a substantive report on this subject to the General Assembly at its sixty-first session.

[10] A/60/301 and Add.1.

Draft resolution IV
Establishment of a United Nations human rights training and documentation centre for South-West Asia and the Arab region

The General Assembly,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,[1]

Recalling the Vienna Declaration and Programme of Action of 1993,[2] which reiterated the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling also its resolutions 32/127 of 16 December 1977, 51/102 of 12 December 1996 and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling further Commission on Human Rights resolution 1993/51 of 9 March 1993[3] and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling the report of the Secretary-General on regional arrangements for the promotion and protection of human rights,[4]

Reaffirming it endorsement of the Vienna Declaration and Programme of Action of 1993, the universality, indivisibility, interdependence and interrelatedness of all human rights, economic, civil, cultural, political and social, including the right to development,

Reaffirming also that regional cooperation plays a fundamental role in promoting and protecting human rights and should reinforce universal human rights, as contained in international human rights instruments, and their protection,

Committed to enhancing subregional, regional and international cooperation to promote universal respect, and observance of, human rights and fundamental freedoms, in conformity with international obligations,

Convinced that cooperation between the United Nations and regional initiatives in the field of human rights continues to be both substantive and supportive and that possibilities exist for increased cooperation,

Recalling its resolutions 49/184 of 23 December 1994, proclaiming the United Nations Decade for Human Rights Education (1995-2004), and 59/113 of 10 December 2004, proclaiming the World Programme for Human Rights Education to begin on 1 January 2005, and Commission on Human Rights resolutions 1993/56

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[1] Resolution 217 A (III).

[2] A/CONF.157/24 (Part I), chap. III.

[3] See *Official Records of the Economic and Social Council, 1993, Supplement No. 3* and corrigenda (E/1993/23 and Corr.2, 4 and 5), chap. II, sect. A.

[4] A/59/323.

of 9 March 1993[5] on education and human rights, and 2003/70 of 25 April 2003,[6] on the United Nations Decade for Human Rights Education,

Recognizing that human rights education can play a crucial role in enhancing respect for human rights and fundamental freedoms and can contribute to the promotion of human rights, the achievement of a culture of peace, in particular the teaching of the practice of non-violence and respect for the rule of law,

Noting the endorsement and the support expressed by the Council of the League of Arab States and the member States of the Gulf Cooperation Council and in the Brasilia Declaration adopted at the South American and Arab Countries Summit[7] for the initiative of the State of Qatar to host a United Nations centre for human rights for South-West Asia and the Arab region,

Noting also Commission on Human Rights resolutions 2005/71 and 2005/73 of 20 April 2005[8] welcoming the offer by the Government of Qatar to host a United Nations centre for human rights in South-West Asia and the Arab region,

Noting further the support expressed by the thirteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, held in Beijing from 30 August to 2 September 2005, for the initiative of the State of Qatar to host a United Nations centre for human rights for South-West Asia and the Arab region,

Mindful of the vastness of and the diversity within South-West Asia and the Arab region,

1. *Takes note with satisfaction* of the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machineries for the promotion and protection of human rights, in particular through technical cooperation, which is aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

2. *Welcomes* the initiative of the Government of Qatar to host a United Nations human rights training and documentation centre for South-West Asia and the Arab region, which will be under the supervision of the Office of the High Commissioner, with the mandate to undertake training and documentation activities according to international human rights standards and to support such efforts within the region by Governments, United Nations agencies and programmes, national human rights institutions and non-governmental organizations;

3. *Requests* the Secretary-General and the Office of the High Commissioner to give their support to the establishment of a United Nations human rights training and documentation centre for South-West Asia and the Arab region, to conclude an agreement with the host country regarding its establishment and to make available resources for the establishment of the centre;

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[5] See *Official Records of the Economic and Social Council, 1993, Supplement No. 3* and corrigenda (E/1993/23 and Corr.2, 4 and 5), chap. II, sect. A.

[6] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II.A.

[7] A/59/818, annex.

[8] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II.B.

4. *Requests* the Secretary-General to submit to the General Assembly at its sixty-first session a report on the implementation of the present resolution;

5. *Decides* to consider this question further at its sixty-first session.

Draft resolution V
National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its resolutions and those of the Commission on Human Rights concerning national institutions for the promotion and protection of human rights,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played an important role and should continue to play a more important role in assisting the development of national institutions,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[1] which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in remedying human rights violations, in disseminating information on human rights and in education in human rights,

Recalling also the Beijing Declaration and Platform for Action,[2] in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with same emphasis,

Bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds, and that all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Recalling the programme of action adopted by national institutions, at their meeting in Vienna in June 1993 during the World Conference on Human Rights,[3] for the promotion and protection of human rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

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[1] A/CONF.157/24 (Part I), chap. III.

[2] *Report of the Fourth World Conference on Women: Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[3] See A/CONF.157/NI/6.

Noting the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation,

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

Noting with appreciation the existence of the regional human rights networks in Europe, the continuing work of the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia Pacific Forum of National Human Rights Institutions and the Coordinating Committee of African National Human Rights Institutions,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

1. *Welcomes* the report of the Secretary-General;[4]

2. *Reaffirms* the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles"), contained in the annex to resolution 48/134 of 20 December 1993;

3. *Reiterates* the continued importance of the Paris Principles, recognizes the value of further strengthening their application, where appropriate, and encourages States, national institutions and other interested parties to consider ways to achieve this;

4. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[1] it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

5. *Also recognizes* that national institutions have a crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights, and calls upon States to ensure that all human rights are appropriately reflected in the mandate of their national human rights institutions when established;

6. *Encourages* Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action;

7. *Welcomes* the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights;

8. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the

[4] A/60/299

Vienna Declaration and Programme of Action and relevant international instruments;

9. *Notes with satisfaction* the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

10. *Reaffirms* the role of national institutions, where they exist, as appropriate agencies, inter alia, for the dissemination of human rights materials and other public information activities, including those of the United Nations;

11. *Urges* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions as part of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights;

12. *Commends* the high priority given by the Office of the United Nations High Commissioner for Human Rights to work on national institutions, encourages the High Commissioner, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, and invites Governments to contribute additional funds to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for that purpose;

13. *Welcomes* the establishment of a national institutions website as an important vehicle for the delivery of information to national institutions as also the launch of a database of comparative analysis of procedures and methods of complaint-handling by national human rights institutions;

14. *Notes with appreciation* the increasingly active and important role of the International Coordinating Committee of National Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

15. *Also notes with appreciation* the holding of regular meetings of the International Coordinating Committee of National Institutions and the arrangements for the participation of national human rights institutions in the annual sessions of the Commission on Human Rights;

16. *Requests* the Secretary-General to continue to provide the necessary assistance for holding meetings of the International Coordinating Committee of National Institutions during the sessions of the Commission on Human Rights, in cooperation with the Office of the United Nations High Commissioner for Human Rights;

17. *Welcomes* the continuation of the practice of national institutions convening regional meetings in some regions, and its initiation in others, and encourages national institutions, in cooperation with the United Nations High Commissioner for Human Rights, to organize similar events with Governments and non-governmental organizations in their own regions;

18. *Requests* the Secretary-General to continue to provide, including from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for holding international and regional meetings of national institutions;

19. *Recognizes* the important and constructive role that civil society can play, in cooperation with national institutions, for better promotion and protection of human rights;

20. *Expresses its appreciation* to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

21. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national institutions;

22. *Encourages* all United Nations entities, funds and agencies to work in close cooperation with national institutions in the promotion and protection of human rights, and in this regard welcomes efforts made through the action 2 initiative of the Secretary-General;

23. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution.

Draft resolution VI
Human rights and unilateral coercive measures

The General Assembly,

Recalling all its previous resolutions on this subject, the most recent of which was resolution 59/188 of 20 December 2004, and Commission on Human Rights resolution 2005/14 of 14 April 2005,[1]

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report of the Secretary-General,[2] submitted pursuant to Commission on Human Rights resolution 1999/21 of 23 April 1999,[3] and the reports of the Secretary-General on the implementation of resolutions 52/120 of 12 December 1997[4] and 55/110 of 4 December 2000,[5]

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,[6]

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,[7] the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995,[8] the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[9] and their five-year reviews,

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[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

[2] E/CN.4/2000/46 and Add.1.

[3] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[4] A/53/293 and Add.1.

[5] A/56/207 and Add.1.

[6] See A/CONF.157/24 (Part I), chap. III, sect. I, para. 31.

[7] *Report of the World Summit on Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[8] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[9] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

Expressing its concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

Expressing its grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women and children, including adolescents,

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly and recent major United Nations conferences, and contrary to general international law and the Charter, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Noting the continuing efforts of the open-ended Working Group on the Right to Development of the Commission on Human Rights, and reaffirming in particular its criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,[10]

1. *Urges* all States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[11] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Also urges* all States to take steps to avoid and to refrain from adopting any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

3. *Invites* all States to consider adopting administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

[10] Resolution 41/128, annex.

[11] Resolution 217 A (III).

4. *Rejects* unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

5. *Calls upon* Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest possible time;

6. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

7. *Urges* the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including the enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

8. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in her annual report to the General Assembly;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its sixty-first session, highlighting the practical and preventive measures in this respect;

10. *Decides* to examine the question on a priority basis at its sixty-first session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

Draft resolution VII
Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1] for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000[2] and its resolution 59/187 of 20 December 2004 and taking note of Commission on Human Rights resolution 2005/54 of 20 April 2005 on the enhancement of international cooperation in the field of human rights,[3]

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

Recalling the adoption of resolution 2000/22 of 18 August 2000, on the promotion of dialogue on human rights issues, by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,[4]

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

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[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

[3] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

[4] See E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, chap. II, sect. A.

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

9. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

10. *Decides* to continue its consideration of the question at its sixty-first session.

Draft resolution VIII
The right to development

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom, as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling the Universal Declaration on Human Rights[1] as well as the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2]

Recalling also the outcomes of all the major United Nations conferences and summits in the economic and social fields,

Recalling further that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and that the individual is the central subject and beneficiary of development,

Stressing that the Vienna Declaration and Programme of Action[3] reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,[4]

Reaffirming also the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

Recalling the framework modalities agreed at the General Council meeting of the World Trade Organization in Geneva on 1 August 2004 in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services,[5]

Recalling also the outcome of the eleventh session of the United Nations Conference on Trade and Development, held at São Paulo, Brazil, from 13 to 18 June 2004, on the theme "Enhancing the coherence between national development strategies and global economic processes towards economic growth and development, particularly of developing countries",[6]

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[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] A/CONF.157/24 (Part I), chap. III.
[4] See resolution 55/2.
[5] See World Trade Organization, document WT/L/579. Available from http://docsonline.wto.org.
[6] See TD/412.

Recalling further all its previous resolutions and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998,[7] on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Recalling the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries, held at Kuala Lumpur from 20 to 25 February 2003, and the Fourteenth Ministerial Conference of the Movement of Non-Aligned Countries, held at Durban, South Africa, from 17 to 19 August 2004,

Reiterating its continuing support for the New Partnership for Africa's Development[8] as a development framework for Africa,

Recognizing that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

Stressing that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the millennium development goal of halving, by 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

1. *Endorses* the agreed conclusions and recommendations adopted by the Working Group on the Right to Development at its sixth session,[9] and calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors;

2. *Welcomes* the convening of the first meeting of the high-level task force on the implementation of the right to development, held at Geneva from 13 to 17 December 2004, and expresses its appreciation to the task force for the work it has undertaken;

3. *Notes with appreciation* that the high-level task force, at its second meeting, examined Millennium Development Goal 8 on a global partnership for development and suggested criteria for its periodic evaluation with the aim of improving the effectiveness of global partnership with regard to the realization of the right to development;

4. *Stresses* the importance of the core principles contained in the conclusions of the Working Group at its third session,[10] congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

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[7] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[8] A/57/304, annex.

[9] See E/CN.4/2005/25, sect. III.

[10] E/CN.4/2002/28/Rev.1, sect. VIII.A.

5. *Notes with appreciation* that the Subcommission on the Promotion and Protection of Human Rights decided at its fifty-seventh session to submit the concept document establishing options and their feasibility for the implementation of the right to development to the Commission on Human Rights at its sixty-second session, calls in this regard upon the Commission to give due consideration to the options contained therein, and requests the Secretary-General to report on progress in this regard to the General Assembly at its sixty-first session;

6. *Takes note* of the convening and outcome of the third Social Forum held at Geneva on 21 and 22 July 2005 on the theme "Poverty and economic growth: challenges to human rights"[11] and the strong support extended to it by the Subcommission on the Promotion and Protection of Human Rights, and invites Member States and all other stakeholders to participate actively in its subsequent sessions;

7. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

8. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action,[1] which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

9. *Stresses* that the primary responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

10. *Reaffirms* the primary responsibility of States to create national and international conditions favourable to the realization of the right to development as well as their commitment to cooperate with each other to that end;

11. *Also reaffirms* the need for an international environment that is conducive to the realization of the right to development;

12. *Stresses* the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and calls upon States to institute the measures required for the implementation of the right to development as a fundamental human right;

13. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and the international levels;

14. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and

[11] E/CN.4/Sub.2/2005/21.

measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

15. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

16. *Underlines* the fact that the international community is far from meeting the target set in the Millennium Declaration of halving the number of people living in poverty by 2015, reaffirms the commitment made to meet that target, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

17. *Urges* developed countries that have not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets;

18. *Recognizes* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries;

19. *Calls for* the implementation of a desirable pace of meaningful trade liberalization, including in areas under negotiation; implementation of commitments on implementation-related issues and concerns; review of special and differential-treatment provisions, with a view to strengthening them and making them more precise, effective and operational; avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries as important issues in making progress towards the effective implementation of the right to development;

20. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development, stresses, in this regard, the need for good governance and broadening the base of decision-making at the international level on issues of development concern and the need to fill organizational gaps, as well as strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting;

21. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

22. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

23. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes, and for ensuring the promotion and protection of those rights, especially in areas relating to health, education and the full development of their capacities;

24. *Also stresses* that further and additional measures must be taken at the national and international levels to fight HIV/AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

25. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for corporate social responsibility;

26. *Emphasizes* the urgent need for taking concrete and effective measures to prevent, combat and criminalize all forms of corruption at all levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery consistent with the principles of the United Nations Convention against Corruption,[12] particularly chapter V, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify as soon as possible, and States parties to implement effectively, the United Nations Convention against Corruption;

27. *Also emphasizes* the need to strengthen further the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including ensuring effective use of the financial and human resources necessary to fulfil its mandate, and calls upon the Secretary General to provide the Office of the High Commissioner with the necessary resources;

28. *Reaffirms* the request to the High Commissioner, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect those activities in detail in her report to the Commission on Human Rights at its sixty-second session;

29. *Calls upon* the United Nations agencies, funds and programmes, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

[12] Resolution 58/4, annex.

30. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

31. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixty-first session and an interim report to the Commission on Human Rights at its sixty-second session on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invites the chairperson of the Working Group on the Right to Development to present a verbal update to the General Assembly at its sixty-first session.

Draft resolution IX
Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Recalling that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Acknowledging the important contribution of measures at all levels against terrorism, consistent with international law, in particular international human rights law and refugee and humanitarian law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight, including through international cooperation and the strengthening of the role of the United Nations in this respect,

Deeply deploring the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as of the violations of international refugee law and international humanitarian law,

Recognizing that the respect for human rights, the respect for democracy and the respect for the rule of law are interrelated and mutually reinforcing,

Recognizing also that all States must fully respect the non-refoulement obligations under international refugee and human rights law, while at the same time bearing in mind relevant exclusion provisions under international refugee law,

Welcoming the various initiatives to strengthen the promotion and protection of human rights in the context of counter-terrorism adopted by the United Nations and regional intergovernmental bodies, as well as by States,

Noting the declarations, statements and recommendations of a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,

Recalling its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003 and 59/191 of 20 December 2004, Commission on Human Rights resolutions 2003/68 of 25 April 2003,[1] 2004/87 of 21 April 2004[2] and 2005/80 of 21 April 2005[3] and other relevant resolutions of the General Assembly and the Commission on Human Rights,

Recalling also its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[3] Ibid., *2005, Supplement No. 3* (E/2005/23 (Part I)), chap. II, sect. A.

Reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,[4]

Noting the declaration on the issue of combating terrorism contained in the annex to Security Council resolution 1456 (2003) of 20 January 2003, in particular the statement that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Stressing that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights[5] without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Deplores* the suffering caused by terrorism to the victims and their families, and expresses its profound solidarity with them;

3. *Reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights,[6] to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations;[7]

4. *Calls upon* States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

5. *Urges* States to fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

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[4] See the Vienna Declaration and Programme of Action (A/CONF.157/23, sect. I, para. 17), adopted by the World Conference on Human Rights on 25 June 1993.

[5] Resolution 217 A (III).

[6] See resolution 2200 (XXI), annex.

[7] See, for example, General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001.

6. *Welcomes* the establishment by the Commission on Human Rights in its resolution 2005/80[7] of the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;

7. *Reaffirms* that it is imperative that all States work to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law, while countering terrorism, as stated in the report of the Secretary-General submitted pursuant to General Assembly resolution 58/187;[8]

8. *Takes note with appreciation* of the study of the United Nations High Commissioner for Human Rights submitted pursuant to resolution 58/187;[9]

9. *Encourages* States to make available to relevant national authorities the "Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism" and to take into account its content, and requests the High Commissioner to update and publish it periodically;

10. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links and to continue to develop cooperation with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur of the Commission on Human Rights on the promotion and protection of human rights and fundamental freedoms while countering terrorism and other relevant special procedures and mechanisms of the Commission, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism;

11. *Stresses* that, while developing, as agreed at the United Nations 2005 World Summit,[10] a strategy to promote comprehensive, coordinated and consistent counter-terrorism responses, full consideration should be given throughout the process to the protection of human rights and fundamental freedoms and to the provisions of international humanitarian law and international refugee law;

12. *Requests* all relevant special procedures and mechanisms of the Commission on Human Rights, as well as the United Nations human rights treaty bodies, to cooperate within their mandates, with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and encourages the Special Rapporteur to work closely with them to coordinate efforts, where appropriate, in order to promote a consistent approach on this subject;

13. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of United Nations human rights treaty bodies;

[7] E/CN.4/2005/91.

[8] A/59/428.

[9] See resolution 60/1.

14. *Takes note with appreciation* of the report of the independent expert on the protection of human rights and fundamental freedoms while countering terrorism;[11]

15. *Takes note with interest* of the report of the Secretary-General submitted pursuant to General Assembly resolution 59/191;[12]

16. *Takes note with appreciation* of the report of the Special Rapporteur submitted pursuant to Commission on Human Rights resolution 2005/80,[13] the four features emphasized of his mandate, complementarity, comprehensiveness, its proactive nature and its thematic approach, and requests the Special Rapporteur to report regularly to the General Assembly and to the Commission on Human Rights;

17. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the Special Rapporteur's urgent appeals and providing the information requested;

18. *Requests* the High Commissioner, making use of existing mechanisms, to continue:

(a) To examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

(b) To make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

(c) To provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

19. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Human Rights at its sixty-second session and to the General Assembly at its sixty-first session.

[11] E/CN.4/2005/103.
[12] A/60/374.
[13] A/60/370.

Draft resolution X
Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights[1] and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] in particular article 6 of the Covenant, which states, inter alia, that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below 18 years of age, and article 10, which provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person,

Bearing in mind also the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] in particular the right to equal treatment before tribunals and all other organs administering justice, the Convention on the Rights of the Child,[5] in particular article 37, according to which every child deprived of liberty shall be treated in a manner that takes into account the needs of persons of his or her age, and the Convention on the Elimination of All Forms of Discrimination against Women,[6] in particular the obligation to treat men and women equally in all stages of procedures in courts and tribunals,

Calling attention to the numerous international standards in the field of the administration of justice,

Convinced that the independence and impartiality of the judiciary are essential prerequisites for the protection of human rights, good governance and democracy as well as for ensuring that there is no discrimination in the administration of justice and should therefore be respected in all circumstances,

Noting the adoption by the Committee on the Elimination of Racial Discrimination of general recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system,[7]

Emphasizing that the right to access to justice, as contained in applicable international human rights instruments, forms an important basis for strengthening the rule of law through the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity,

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[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.
[3] Resolution 39/46, annex.
[4] Resolution 2106 A (XX), annex.
[5] Resolution 44/25, annex.
[6] Resolution 34/180, annex.
[7] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* (A/60/18), chap. IX.

Recalling the Guidelines for Action on Children in the Criminal Justice System[8] and the establishment and subsequent meetings of the Inter-Agency Coordination Panel on Juvenile Justice,

Calling attention to the relevant provisions of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[9] and of the plans of action for its implementation and follow-up,[10]

Recalling its resolution 58/183 of 22 December 2003, as well as Commission on Human Rights resolution 2004/43 of 19 April 2004[11] and Economic and Social Council resolution 2004/28 of 21 July 2004, entitled "United Nations standards and norms in crime prevention and criminal justice",

1. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

3. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

4. *Invites* Governments to provide for training, including anti-racist, multicultural and gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

5. *Invites* States to make use of technical assistance offered by the relevant United Nations programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

6. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to promoting and protecting human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

7. *Encourages* the regional commissions, the specialized agencies, United Nations institutes active in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

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[8] Economic and Social Council resolution 1997/30, annex.

[9] Resolution 55/59, annex.

[10] Resolution 56/261, annex.

[11] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

8. *Invites* the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, to closely coordinate their activities relating to the administration of justice;

9. *Calls upon* mechanisms of the Commission on Human Rights and its subsidiary bodies, including special rapporteurs, special representatives and working groups, to continue to give special attention to questions relating to the effective promotion and protection of human rights in the administration of justice, including juvenile justice, and to provide, where appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

10. *Calls upon* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime to reinforce, within their respective mandates, their activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations and, in this context, in cooperation with the Department of Peacekeeping Operations of the Secretariat;

11. *Encourages* the Office of the High Commissioner to continue organizing training courses and other relevant activities aimed at enhancing the promotion and protection of human rights in the field of the administration of justice, and welcomes the publication of the Manual on Human Rights Training for Prison Officials;[12]

12. *Welcomes* the increased attention paid to the issue of juvenile justice by the High Commissioner and the United Nations Children's Fund, in particular through technical assistance activities, and, taking into account the fact that international cooperation to promote juvenile justice reform has become a priority within the United Nations system, encourages the further activities of the High Commissioner and the United Nations Children's Fund, within their mandates, in this regard;

13. *Encourages* the Inter-Agency Coordination Panel on Juvenile Justice to further increase cooperation among the partners involved, to develop common indicators, tools and manuals, to share information and to pool their capacities and interests in order to increase the effectiveness of programme implementation, and takes note with appreciation of the publication entitled "Protecting the rights of children in conflict with the law";[13]

14. *Welcomes* the adoption by the Economic and Social Council of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, set out in the annex to resolution 2005/20 of 22 July 2005, and encourages all relevant actors to draw upon the Guidelines where appropriate;

15. *Encourages* the independent expert for the United Nations study on violence against children to address in his final report the prevalence of violence in the juvenile justice system;

16. *Invites* Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote increased attention to the issue of women in prison, including the children of women in prison, with a view to identifying and addressing the key problems;

[12] United Nations publication, Sales No. 04.XIV.1.

[13] Available from http://www.unodc.org/pdf/criminal_justice/Protecting_children_en.pdf.

17. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and respect for the rule of law and human rights in post-conflict situations, and requests the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the proposed Peacebuilding Commission and the Rule of Law Assistance Unit, in the field of the administration of justice in post-conflict situations, including assistance provided through United Nations field presences;

18. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this context welcomes the role of the Office of the High Commissioner in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

19. *Decides* to consider the question of human rights in the administration of justice at its sixty-second session under the item entitled "Human rights questions".

Draft resolution XI
Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, as well as its subsequent resolutions on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Noting that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural diversity and heritage of society, as reaffirmed in the 2005 World Summit Outcome,[1]

Concerned by the frequency and severity of disputes and conflicts concerning minorities and their often tragic consequences, and concerned also that persons belonging to minorities are particularly vulnerable to displacement,

Recognizing that the effective promotion and protection of the rights of persons belonging to minorities is a fundamental part of the promotion and protection of human rights, and acknowledging that measures in this area can also contribute significantly to conflict prevention,

Emphasizing the role that national institutions can play in early warning for problems regarding minority situations,

Emphasizing also the importance of human rights education as an effective tool to promote an inclusive society and understanding of and tolerance towards and among persons belonging to minorities,

Acknowledging that the United Nations has an important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Noting that the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights held its tenth and eleventh sessions from 1 to 5 March 2004 and 30 May to 3 June 2005, respectively,

Noting with appreciation the appointment of the independent expert on minority issues by the United Nations High Commissioner for Human Rights on 29 July 2005, as requested by the Commission on Human Rights in its resolution 2005/79 of 21 April 2005,[2]

1. *Takes note* of the report of the Secretary-General;[3]

2. *Recognizes* that respect for human rights and the promotion of understanding and tolerance by Governments as well as between and among minorities are central to the promotion and protection of the rights of persons belonging to minorities;

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[1] See resolution 60/1.

[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

[3] A/60/333.

3. *Reaffirms* the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, as proclaimed in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[4] and draws attention to the relevant provisions of the Durban Declaration and Programme of Action,[5] including the provisions on forms of multiple discrimination;

4. *Encourages* States, in their follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to include aspects relating to minorities in their national plans of action and, in this context, to take forms of multiple discrimination fully into account;

5. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the encouragement of conditions for the promotion of their identity, the provision of adequate education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, without discrimination, and to apply a gender perspective while doing so;

6. *Calls upon* States to give special attention to the promotion and protection of the human rights of children belonging to minorities, taking into account that girls and boys may face different types of risks;

7. *Urges* States to take, as appropriate, all necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration, and appeals to States to cooperate bilaterally and multilaterally, in accordance with the Declaration, in order to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

8. *Calls upon* States to take all appropriate measures to protect the cultural and religious sites of national or ethnic, religious and linguistic minorities;

9. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

10. *Calls upon* the United Nations High Commissioner for Human Rights to promote, within her mandate, the implementation of the Declaration, to continue to engage in a dialogue with Governments for that purpose and to disseminate widely the *United Nations Guide for Minorities*;

11. *Requests* the High Commissioner to continue her efforts to improve the coordination and cooperation among United Nations programmes and agencies on activities related to the promotion and protection of the rights of persons belonging to minorities and to take the work of relevant regional organizations active in the field of human rights into account in her endeavours;

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[4] Resolution 47/135, annex.

[5] See A/CONF.189/12 and Corr.1, chap. I.

12. *Welcomes* the inter-agency consultation of the High Commissioner with United Nations programmes and agencies on minority issues, and calls upon those programmes and agencies to contribute actively to this process;

13. *Encourages* intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

14. *Calls upon* the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights to implement fully its mandate, focusing its work on interactive dialogue with relevant non-governmental organizations and on conceptual support of, and dialogue with, the independent expert on minority issues, by recommending, on the basis of its findings, further measures for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

15. *Invites* the High Commissioner to seek voluntary contributions to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to minorities, in particular those from developing countries, in minority-related activities organized by the United Nations, particularly its human rights bodies, and in doing so to give particular attention to ensuring the participation of young people and women;

16. *Decides* to continue consideration of this question at its sixty-second session under the item entitled "Human rights questions".

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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Report of the Third Committee

Rapporteur: Mr. Pedro **Cardoso** (Brazil)

I. Introduction

1. At its 17th plenary meeting, on 20 September 2005, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixtieth session, under the item entitled "Human rights questions", the sub-item entitled "Human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Committee held a general discussion on the sub-item jointly with sub-items 71 (b) and (e) at its 23rd to 34th meetings, from 25 to 28 and on 31 October and on 2 and 7 November 2005, and considered proposals and took action on sub-item 71 (c) at its 35th, 37th and 42nd to 48th meetings, on 8, 9, 17, 18, 21, 22 and 23 November. An account of the Committee's discussion is contained in the relevant summary records (see A/C.3/60/SR.23-35, 37 and 42-48).

3. For the documents before the Committee under this sub-item, see A/60/509.

4. At the 23rd meeting, on 25 October, the United Nations High Commissioner for Human Rights addressed the Committee and engaged in a dialogue with the representatives of Canada, Pakistan, the Libyan Arab Jamahiriya, Venezuela (Bolivarian Republic of), Cuba, Iraq, China, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union) and Costa Rica (see A/C.3/60/SR.23).

5. At the same meeting, the Director of the New York Office of the United Nations High Commissioner for Human Rights and the Director of the Division for Social Policy and Development of the Department of Economic and Social Affairs made introductory statements (see A/C.3/60/SR.23).

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6. At the 26th meeting, on 27 October, the Independent Expert on the situation of human rights in Burundi made a statement and engaged in a dialogue with the representatives of Chile, Burundi, the United Republic of Tanzania, the United Kingdom (on behalf of the European Union), Indonesia and Canada (see A/C.3/60/SR.26).

7. Also at the 26th meeting, the Special Rapporteur on the situation of human rights in the Sudan made a statement and engaged in a dialogue with the representatives of Canada, the United Kingdom (on behalf of the European Union), the Libyan Arab Jamahiriya, the United States of America, Iran (Islamic Republic of), China, Cuba, Egypt and the Sudan (see A/C.3/60/SR.26).

8. At the 27th meeting, on 27 October, the Special Rapporteur on the situation of human rights in Myanmar made a statement and engaged in a question-and-answer session with the representatives of Myanmar, Canada, Indonesia, Venezuela (Bolivarian Republic of), the United Kingdom (on behalf of the European Union), the United States of America, Sweden, China, the Democratic People's Republic of Korea, Japan and Cuba (see A/C.3/60/SR.27).

9. At the 27th and 28th meetings, on 27 and 28 October, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea made a statement and engaged in a question-and-answer session with the representatives of Canada, the United States of America, Switzerland, the United Kingdom (on behalf of the European Union), Japan, the Sudan, the Democratic People's Republic of Korea, Venezuela (Bolivarian Republic of) and China (see A/C.3/60/SR.27 and 28).

10. Also at the 28th meeting, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 made a statement and engaged in a dialogue with the representatives of Israel, Palestine, the United States of America, the Sudan, Jordan, Egypt, the Syrian Arab Republic, the United Kingdom (on behalf of the European Union), the Libyan Arab Jamahiriya, Venezuela (Bolivarian Republic of), Cuba and China (see A/C.3/60/SR.28).

II. Consideration of proposals

A. Draft resolution A/C.3/60/L.41 and Rev.1

11. At the 35th meeting, on 8 November, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Albania, Australia, Austria, Belgium, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom, introduced a draft resolution entitled "Situation of human rights in the Democratic Republic of the Congo" (A/C.3/60/L.41), which read:

"*The General Assembly*,

"*Reaffirming* that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, and

the duty to fulfil the obligations they have undertaken under the various instruments in this field,

"*Noting* that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,

"*Noting also* that the human rights situation in the Democratic Republic of the Congo can sustainably improve only if the country is taken forward to the holding of free and fair elections, an essential part of becoming a stable, peaceful and democratic country,

"*Recalling* all its previous resolutions, as well as those of the Commission on Human Rights and the Security Council, on the situation in the Democratic Republic of the Congo,

"1. *Welcomes*:

"(a) The report of the independent expert on the situation of human rights in the Democratic Republic of the Congo, as well as his visit to the Democratic Republic of the Congo in August 2005;

"(b) The strengthened mandate of the United Nations Organization Mission in the Democratic Republic of the Congo regarding the protection of civilians in accordance with Security Council resolution 1592 (2005), and expresses its support for the continued work of the Mission and the Special Representative of the Secretary-General for the Democratic Republic of the Congo;

"(c) The work accomplished by the human rights field office in the Democratic Republic of the Congo, and encourages the office to pursue and enhance its cooperation with the relevant agencies of the United Nations and the Mission in the fulfilment of its mandate;

"(d) The measures taken in 2005 by the authorities of the Democratic Republic of the Congo to arrest and detain leaders of militia groups suspected of committing serious human rights abuses;

"(e) The substantial progress made by the transitional national Government and the Independent Electoral Commission, with the welcome assistance of the United Nations Organization Mission in the Democratic Republic of the Congo, towards the holding of elections before June 2006 as specified by the Global and All-Inclusive Agreement, in particular the registration of voters and the enthusiasm shown by the Congolese people to embrace a democratic future;

"(f) The continuing investigations of the International Criminal Court into crimes allegedly committed in the territory of the Democratic Republic of the Congo;

"2. *Requests* the United Nations High Commissioner for Human Rights to ensure that consultations continue between her Office and the Secretary-General concerning the ways in which to assist the transitional Government of the Democratic Republic of the Congo in tackling the problem of impunity, and looks forward to the report of the High Commissioner to the Commission on Human Rights at its sixty-second session on these consultations and on

possible options for putting an end to impunity for the perpetrators of crimes committed before 1 July 2002;

"3. *Condemns*:

"(a) The ongoing violations of human rights and international humanitarian law, particularly in North Kivu and South Kivu, northern Katanga and other areas in the eastern part of the Democratic Republic of the Congo, including armed violence and reprisals against the civilian population and the recourse to sexual violence against women and children, including in situations where such practices are being used as a weapon of war;

"(b) The killing of United Nations peacekeeping troops by militia groups in Ituri province, eastern Democratic Republic of the Congo, in February 2005 and in June 2005;

"(c) The killing of Pascal Kabungulu Kibembi, Executive Secretary of the human rights non-governmental organization Heritiers de la Justice, on 31 July 2005 and the harassment of human rights defenders across the country, but particularly in the eastern Democratic Republic of the Congo;

"(d) The continued illegal exploitation of natural resources in the eastern Democratic Republic of the Congo and the human rights abuses committed by groups linked to the mining and trading of these resources, as well as the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms as one of the factors fuelling and exacerbating conflicts in the Great Lakes region of Africa;

"4. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

"(a) To respect and further implement the Global and All-Inclusive Agreement and to cease immediately any action which impedes the consolidation of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

"(b) To support the transitional Government and its institutions in order to allow for the re-establishment of political and economic stability and for the gradual reinforcement of State structures over the entire territory of the Democratic Republic of the Congo, in accordance with their obligations under the Transitional Constitution and the Constitution due to be adopted by referendum in December;

"(c) To put an immediate end to the recruitment and use of child soldiers, which is contrary to international law and to the African Charter on the Rights and Welfare of the Child, with the understanding that, under the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, and in accordance with Security Council resolutions 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005 on children and armed conflict, persons under the age of 18 are entitled to special protection, and to develop and implement without delay the action plans called for in Security Council resolutions 1539 (2004) and 1612 (2005);

"(d) To take special measures to protect women and children from the appalling violence, including sexual violence, which has been and continues to

be prevalent throughout the country, in particular in the eastern part of the country, and to bring the perpetrators of such crimes to justice as soon as possible, and condemns in particular the widespread use of sexual violence as a means of warfare;

"(e) To promote the full enjoyment of all human rights by women and children and to meet the special needs of women and girls in post-conflict reconstruction, as well as to ensure the full participation of women in all aspects of conflict resolution and peace processes, including peacekeeping, conflict management and peacebuilding, as a matter of priority, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security;

"(f) To respect international humanitarian law, in particular on the protection of civilians by ensuring the safety, security and freedom of movement of all civilians and United Nations and associated personnel, and the unhindered access of humanitarian personnel to all of the affected population throughout the territory of the Democratic Republic of the Congo in accordance with Security Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000;

"(g) To promote the full enjoyment of all human rights and to protect the safety, security and freedom of movement of all human rights defenders;

"5. *Calls upon* the Government of National Unity and Transition to take specific measures:

"(a) To achieve the objectives of the transitional period as laid down in the Global and All-Inclusive Agreement, in particular the holding of free and transparent elections at all levels within the specified time frame, enabling the establishment of a democratic constitutional regime, and the formation of a restructured and fully integrated national army, and also the formation of an integrated and adequately resourced national police force, while ensuring that government institutions, including the army and police, are trained in human rights aspects of their work and ensuring that both light and heavy weapons are being surrendered in the disarmament process;

"(b) To strengthen the transitional institutions, in particular to set up effectively the Independent Electoral Commission, and to make more effective the Truth and Reconciliation Commission, the Human Rights Monitoring Centre and the Haute-Autorité des Médias, and to re-establish stability and the rule of law over the entire territory of the Democratic Republic of the Congo, thereby returning peace and progress to its people;

"(c) To comply fully with its obligations under international human rights instruments and, accordingly, to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights and the Human Rights Section of the United Nations Organization Mission in the Democratic Republic of the Congo;

"(d) To put an end to impunity and to ensure, as it is duty-bound to do, that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with due

process, and to carry out urgently a comprehensive reform of the judicial and prison system;

"(e) To continue to cooperate with the International Criminal Court and with the International Criminal Tribunal for Rwanda, by ensuring that they have all necessary means with which to accomplish their tasks;

"(f) To put an end to the use of the death penalty in a manner contrary to its obligations assumed under the relevant provisions of the International Covenant on Civil and Political Rights and other human rights instruments, while recalling its commitment to progressively abolish the death penalty and not to impose it on juvenile offenders;

"(g) To prevent the use of the media to incite hatred or tensions among communities, while respecting freedom of expression and of the press, particularly during the electoral campaign;

"(h) To ensure that human rights defenders are protected from abuses, threats and harassment;

"(i) To accelerate its programme to demobilize, disarm and reintegrate former combatants, taking into account the special needs of dependants, particularly girls;

"(j) To increase its efforts to eliminate corruption in the Democratic Republic of the Congo, which contributes to a general climate of impunity, and to take steps towards the setting up of an arrangement to strengthen support for good governance and transparent economic management, with the support of the International Committee in Support of the Transition, the United Nations Organization Mission in the Democratic Republic of the Congo, international financial institutions and donors;

"6. *Calls upon* the Governments of countries in the region, including the Democratic Republic of the Congo:

"(a) To cease immediately all military activity that impedes the consolidation of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo, including support for the armed groups, whether financial, political or logistical, and allowing revenue from illegally extracted natural resources to be used on their territory;

"(b) To work with the United Nations Organization Mission in the Democratic Republic of the Congo to take urgent steps towards the disarmament and resettlement or repatriation of the Forces démocratiques de libération du Rwanda, former Forces armées rwandaises, Interahamwe and other foreign armed groups, which remain a threat to regional peace and perpetrate human rights abuses on the civilian population of the Democratic Republic of the Congo;

"(c) To support the transitional process in the Democratic Republic of the Congo and adhere fully to the Principles on Good-neighbourly Relations and Cooperation between the Democratic Republic of the Congo and Burundi, Rwanda and Uganda, signed in New York on 25 September 2003, to work towards the successful implementation of the Joint Verification Mechanism, to

work through the Tripartite Commission Plus One and to respect the principles of the Dar Es Salaam Declaration of November 2004;

"(d) To ensure the rights and well-being of internally displaced persons, returnees and refugee populations and, in particular, to peacefully repatriate Forces démocratiques de libération du Rwanda members returning to Rwanda, in accordance with the applicable norms of international law and with respect for the rights and freedoms of the human person;

"(e) To continue to cooperate with the International Criminal Court and with the International Criminal Tribunal for Rwanda, and specifically with regard to the Democratic Republic of the Congo, to make swift progress towards passing legislation necessary for the International Criminal Court's investigations in the Democratic Republic of the Congo to proceed smoothly;

"(f) To take steps towards putting an end to the illegal exploitation of the natural resources of the Democratic Republic of the Congo, in view of the link between that exploitation and the continuation of conflict;

"7. *Urges* the Secretary-General to continue his work towards eliminating sexual exploitation and abuse committed by personnel serving the United Nations Organization Mission in the Democratic Republic of the Congo;

"8. *Encourages* the international community:

"(a) To continue to support the transitional process in the Democratic Republic of the Congo and its institutions and, in particular, to support the electoral process and to provide further assistance for the reform of the justice system;

"(b) To observe the arms embargo on the Democratic Republic of the Congo established by Security Council resolution 1493 (2003) of 28 July 2003 and expanded by resolution 1596 (2005) of 18 April 2005, and to enforce the sanctions measures against individuals identified by the Security Council in line with its resolution 1596 (2005) and its resolution 1616 (2005) of 29 July 2005;

"(c) To continue to exert political pressure on States concerned and members of armed groups based in the eastern Democratic Republic of the Congo in order to limit their capacity for continued fund-raising, which contributes to ongoing human rights abuses;

"9. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the independent expert on the situation of human rights in the Democratic Republic of the Congo to report to the General Assembly at its sixty-first session."

12. At its 48th meeting, on 23 November, the Committee had before it a revised draft resolution (A/C.3/60/L.41/Rev.1) submitted by the sponsors of draft resolution A/C.3/60/L.41 and Bulgaria, Canada, Monaco and the Republic of Moldova. Subsequently, Andorra, Iceland and Japan joined in sponsoring the revised draft resolution.

13. At the same meeting, the Committee was advised that the draft resolution had no programme budget implications.

14. At the same meeting, the representative of the United Kingdom (on behalf of the European Union) made a statement (see A/C.3/60/SR.48).

15. The representative of Uganda made a statement and requested separate votes on the fourth preambular paragraph and operative paragraph 9 (c) of the draft resolution.

16. At the same meeting, the representatives of Uganda and the Democratic Republic of the Congo made statements before the vote (see A/C.3/60/SR.48).

17. Also at the 48th meeting, the Committee voted on draft resolution A/C.3/60/L.41/Rev.1 as follows:

(a) The fourth preambular paragraph was retained by a recorded vote of 92 to 3, with 62 abstentions. The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zambia.

Against:

Guinea-Bissau, Rwanda, Uganda.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Brazil, Brunei Darussalam, Burundi, Cape Verde, China, Colombia, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mauritius, Mongolia, Nepal, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, Yemen, Zimbabwe.

(b) Operative paragraph 9 (c) was retained by a recorded vote of 92 to 3, with 62 abstentions. The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Cameroon, Canada, Central African Republic, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zambia.

Against:

Guinea-Bissau, Rwanda, Uganda.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cape Verde, China, Colombia, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritius, Mongolia, Nepal, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, Yemen, Zimbabwe.

(c) Draft resolution A/C.3/60/L.41/Rev.1, as a whole, was adopted by a recorded vote of 96 to 2, with 66 abstentions (see para. 70, draft resolution I). The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Canada, Central African Republic, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia,

Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zambia, Zimbabwe.

Against:

Rwanda, Uganda.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Brazil, Brunei Darussalam, Burundi, Cameroon, Cape Verde, China, Colombia, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritius, Mozambique, Myanmar, Nepal, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Yemen.

18. Before the vote on the draft resolution as a whole, statements were made by the representatives of Rwanda and the Democratic Republic of the Congo; after the vote, the representative of the United States of America made a statement (see A/C.3/60/SR.48).

B. Draft resolution A/C.3/60/L.45

19. At the 35th meeting, on 8 November, the representative of Canada, on behalf of Albania, Andorra, Austria, Belgium, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tuvalu, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/60/L.45). Subsequently, Australia, Bulgaria, the Republic of Moldova, New Zealand, Palau and Papua New Guinea joined in sponsoring the draft resolution.

20. At its 43rd meeting, on 18 November, the Committee was advised that the draft resolution had no programme budget implications.

21. At the same meeting, the representative of Canada made a statement (see A/C.3/60/SR.43).

22. Also at the same meeting, the representative of the Islamic Republic of Iran moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution.

23. Statements in favour of the motion were made by the representatives of the Russian Federation and Zimbabwe; statements against the motion were made by the representatives of Canada and Australia.

24. The motion was rejected by a recorded vote of 77 to 70, with 23 abstentions. The voting was as follows:

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Brunei Darussalam, Burkina Faso, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Myanmar, Namibia, Nepal, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Abstaining:

Angola, Belize, Benin, Botswana, Brazil, Burundi, Cameroon, Cape Verde, Chad, Colombia, Ethiopia, Ghana, Guinea-Bissau, Guyana, Iraq, Kenya, Mauritius, Nigeria, Republic of Korea, Rwanda, Suriname, Trinidad and Tobago, United Republic of Tanzania.

25. Also at its 43rd meeting, the Committee adopted draft resolution A/C.3/60/L.45 by a recorded vote of 77 to 51, with 46 abstentions (see para. 70, draft resolution II). The voting was as follows:

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan,

Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Niger, Oman, Pakistan, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Somalia, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Barbados, Benin, Bhutan, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Guinea-Bissau, Guyana, Iraq, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Mali, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Nigeria, Panama, Philippines, Republic of Korea, Rwanda, Sierra Leone, Singapore, Suriname, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Zambia.

26. Before the adoption of the draft resolution, statements were made by the representatives of Cuba, Venezuela (Bolivarian Republic of), Turkmenistan, Uzbekistan, Belarus, Indonesia, Malaysia, Myanmar and the Sudan; after the adoption of the draft resolution, a statement was made by the representative of Brazil (see A/C.3/60/SR.43).

C. Draft resolution A/C.3/60/L.46

27. At the 35th meeting, on 8 November, the representative of the United States of America, on behalf of Albania, Austria, Belgium, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Turkmenistan" (A/C.3/60/L.46). Subsequently, Australia, Bulgaria, Japan, Iceland, Liechtenstein, Palau and the Republic of Moldova joined in sponsoring the draft resolution.

28. At its 45th meeting, on 21 November, the Committee was advised that the draft resolution had no programme budget implications.

29. At the same meeting, the representative of the United States of America orally revised the draft resolution as follows:

(a) In the fifth preambular paragraph, the words "of September 2005" were inserted after the word "report", and the words "and has shown readiness to cooperate with the international community" were inserted after the words "human rights issues";

(b) In operative paragraph 1 (t), the words "a significant number of Tajik refugees" were replaced by the words "more than 16 thousand refugees, including a significant number of Tajik refugees";

(c) Operative paragraph 2 (d), which read:

"The continued denial by the Government of Turkmenistan of unaccompanied access to prisoners by the International Committee of the Red Cross, according to the usual terms of the Committee and international monitors",

was replaced by:

"The failure of the Government of Turkmenistan to grant access to detainees to the International Committee of the Red Cross, according to the usual terms of the Committee, as well as to international monitors";

(d) Operative paragraphs 2 (m) and (n), which read:

"Government policies that significantly restrict equal access of all persons to quality health care and services;

"Government policies that significantly restrict equal access of all persons to quality education",

were deleted;

(e) Operative paragraph 3 (d), which read:

"In the light of the meeting of the President of Turkmenistan with representatives of the International Committee of the Red Cross in June 2005 and the meeting of the Minister for Foreign Affairs of Turkmenistan with the International Committee of the Red Cross in September 2005, to finalize an agreement allowing the Committee and other interested representatives of the international community to visit Turkmen prisons by providing appropriate independent bodies, including the Committee, with full access to all places of detention, in accordance with the usual modalities for those organizations, and by ensuring that lawyers and relatives have full and repeated access to all those in detention, including those convicted of involvement in the coup attempt of 25 November 2002",

was replaced by:

"To follow through on the presentation of the Government of Turkmenistan to the Commission on Human Rights in April 2004 and the meetings of the Government of Turkmenistan with the International Committee of the Red Cross in 2005 by finalizing an agreement allowing the Committee to visit Turkmen prisons with full and repeated access to all places of detention in accordance with the usual modalities for that organization, and

by providing international monitors, lawyers and relatives with full and repeated access to all those in detention, including those convicted of involvement in the coup attempt of 25 November 2002".

30. At the same meeting, statements were made by the representatives of Malaysia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries), Uzbekistan, Myanmar and Cuba (see A/C.3/60/SR.45).

31. Also, at the same meeting, the representative of Turkmenistan moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution.

32. Statements in favour of the motion were made by the representatives of China and Venezuela (Bolivarian Republic of); statements against the motion were made by the representatives of the United States of America and the United Kingdom (on behalf of the European Union).

33. The motion was rejected by a recorded vote of 70 to 64, with 26 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Fiji, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Namibia, Nepal, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, South Africa, Sudan, Syrian Arab Republic, Tajikistan, Thailand, Togo, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Algeria, Brazil, Burundi, Cape Verde, Colombia, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Ethiopia, Ghana, Guyana, Iraq, Kenya, Mali, Mauritius, Niger, Nigeria, Rwanda, Senegal, Sri Lanka, Suriname, Swaziland, Trinidad and Tobago, Tunisia, United Republic of Tanzania, Uruguay.

34. Also at its 45th meeting, the Committee adopted draft resolution A/C.3/60/L.46, as orally revised, by a recorded vote of 70 to 38, with 58 abstentions (see para. 70, draft resolution III). The voting was as follows:[1]

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Palau, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Afghanistan, Azerbaijan, Bahrain, Bangladesh, Belarus, Botswana, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Egypt, Gambia, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tajikistan, Turkmenistan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Armenia, Bahamas, Barbados, Belize, Bhutan, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Ghana, Guinea, Guinea-Bissau, Guyana, India, Iraq, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Mali, Mauritius, Mozambique, Nauru, Nepal, Niger, Nigeria, Panama, Philippines, Russian Federation, Rwanda, Saint Lucia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Zambia.

35. Before the adoption of the draft resolution, statements were made by the representatives of Belarus, the Democratic People's Republic of Korea, the Sudan and Uzbekistan; after the adoption of the draft resolution, a statement was made by the representative of Singapore (see A/C.3/60/SR.45).

D. Draft resolution A/C.3/60/L.47

36. At the 37th meeting, on 9 November, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Albania, Australia, Austria, Belgium, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia,

[1] The representative of Namibia subsequently indicated that she had meant to abstain in the vote on the draft resolution.

Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia and the United Kingdom, introduced a draft resolution entitled "Situation of human rights in the Sudan" (A/C.3/60/L.47). Subsequently, Andorra, Bulgaria, Iceland, Japan, the Republic of Moldova, Switzerland and the United States of America joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights, and recalling the International Covenants on Human Rights and other relevant human rights instruments,

"*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in the field,

"*Reaffirming also* Commission on Human Rights resolution 2005/82, of 21 April 2005,

"*Recalling* Security Council resolutions 1296 (2000) of 19 April 2000, 1325 (2000) of 31 October 2000, 1556 (2004) of 30 July 2004, 1590 (2005) of 24 March 2005, 1591 (2005) of 29 March 2005, and 1593 (2005) of 31 March 2005,

"*Recognizing* that good governance, democracy, the rule of law and respect for human rights are essential to achieving sustainable development and economic growth,

"1. *Welcomes*:

"(a) Progress made in implementing the Comprehensive Peace Agreement concluded in Nairobi on 9 January 2005;

"(b) The adoption of the interim constitution on 9 July 2005 and the provisions for human rights therein;

"(c) The commitments made by both parties, in the aftermath of the death of first Vice-President Dr. John Garang de Mabior on 30 July 2005, to continue to work together in implementing the Comprehensive Peace Agreement;

"(d) The full involvement of the Commission of the African Union in the search for a political solution in Abuja and the signature of the Declaration of Principles as an initial step;

"(e) The efforts of the African Union Mission in the Sudan in Darfur to stabilize the security situation on the ground;

"(f) The support pledged by the international community to the African Union Mission in the Sudan in Addis Ababa and the contributions delivered thus far;

"(g) The appointment of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan;

"(h) The cooperation extended by the Government of National Unity to the Special Rapporteur on her mission to the country from 15 to 22 October;

"(i) The decision by the Office of the Prosecutor of the International Criminal Court to commence an investigation into crimes allegedly committed in Darfur;

"(j) The activities of Human Rights Unit of the United Nations Mission in the Sudan and of the Office of the United Nations High Commissioner for Human Rights in support of human rights in the Sudan to date;

"2. *Concerned* at:

"(a) The delays in the implementation of the Comprehensive Peace Agreement and the establishment of the Assessment and Evaluation Commission;

"(b) The protracted humanitarian crisis in Darfur and recent upsurge in violence perpetrated by all parties to the conflict;

"(c) The continuing climate of impunity in the Darfur region, particularly in the area of violence against women and girls;

"(d) The forced relocation of displaced people, particularly in the peri-urban settlements around Khartoum;

"3. *Condemns*:

"(a) Continued violations of the Ceasefire Agreement concluded in N'djamena on 8 April 2004 and the Abuja Protocols on Improvement of the Humanitarian Situation and Enhancement of the Security Situation of 9 November 2004 by all parties to the conflict and the impact this has had on humanitarian efforts;

"(b) Continued violence against civilians, including sexual violence, extrajudicial killings, disappearances, arbitrary detention and torture, widespread displacement, denial of religious freedom and other violations of human rights throughout the country;

"(c) Attacks on humanitarian agencies and non-governmental organizations and African Union staff;

"(d) Imposition of the death penalty and punishments that constitute cruel, inhuman or degrading treatment;

"4. *Calls* on all parties to the conflict:

"(a) To participate without preconditions at the Abuja talks and negotiate constructively to ensure a swift and sustainable agreement to resolve the Darfur conflict;

"(b) To cease all acts of violence and respect fully the N'djamena Ceasefire Agreement and the Abuja Protocols;

"(c) To grant immediate, safe and unhindered humanitarian access to Darfur and elsewhere in the Sudan and to cooperate fully with the

humanitarian agencies working to alleviate the suffering of the affected populations;

"(d) To cooperate fully with the relevant bodies and mechanisms of the United Nations and the African Union involved in the search for a solution to the multiple crises affecting the Sudan, including Darfur;

"(e) To cooperate fully in the implementation of Security Council resolutions 1296 (2000), 1325 (2000), 1556 (2004), 1590 (2005), 1591 (2005) and 1593 (2005);

"(f) To grant the International Committee of the Red Cross access to all persons detained under their authority, including those detained in relation to the situation in Darfur;

"(g) To avoid the spread of violence to other parts of the Sudan, including in the East;

"5. *Calls* on the Government of National Unity:

"(a) To respect and protect human rights and to comply fully with its international human rights obligations and to fulfil commitments it has made to ratify as a matter of priority treaties to which it is not a party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women;

"(b) To continue to move forward with the implementation of the Comprehensive Peace Agreement, including the establishment of the Assessment and Evaluation Commission;

"(c) To cooperate fully with the International Criminal Court;

"(d) To stop violations of human rights and to end the prevailing culture of impunity and effectively investigate human rights violations and bring the perpetrators to justice, in accordance with international standards of due process;

"(e) To strengthen the independence of the judiciary and to take further steps to guarantee freedom of expression;

"(f) To promote a peaceful solution in East Sudan based on dialogue and spirit of compromise;

"(g) To disarm the Janjaweed militias in conformity with the relevant Security Council resolutions;

"(h) To continue its programme to demobilize, disarm and reintegrate former combatants, taking into account the special needs of women and children, including girls, associated with those combatants;

"6. *Encourages* the African Union:

"(a) To continue to contribute towards international efforts to protect and promote human rights in Darfur, as well as to coordinate international efforts towards the protection of civilians, with particular attention to vulnerable groups including internally displaced persons, returning refugees and women and children, within its capabilities and in close cooperation with

other United Nations agencies, related organizations, and non-governmental organizations;

"(b) To pursue its important role in ensuring a successful conclusion to the Abuja peace talks;

"7. *Encourages* the international community:

"(a) To continue and expand its support towards full implementation of the Comprehensive Peace Agreement, which will be conducive to sustained international support for development of the country;

"(b) To continue its support for the African Union efforts and activities aimed at establishing an environment conducive to peace in Darfur, including by providing adequate logistical and financial support to the African Union Mission in the Sudan in Darfur to enable it to achieve its objectives;

"(c) To continue to support efforts aimed at promoting and protecting human rights in the Sudan, and to contribute towards humanitarian relief, recovery and reconstruction activities in the Sudan, including the affected population in Darfur to complement the efforts of the Government of National Unity;

"8. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-first session on the progress made in the implementation of the present resolution."

37. At its 47th meeting, on 23 November, the Committee was advised that the draft resolution had no programme budget implications.

38. At the same meeting, a statement was made by the representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) (see A/C.3/60/SR.47).

39. At the same meeting, the representative of Nigeria (on behalf of the Group of African States) made a statement and moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution.

40. Also at the same meeting, statements were made by the representatives of Egypt and Uganda (see A/C.3/60/SR.47).

41. Statements in favour of the motion were made by the representatives of China and Venezuela (Bolivarian Republic of); statements against the motion were made by the representatives of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) and New Zealand (also on behalf of Australia and Canada).

42. The motion was carried by a recorded vote of 84 to 79, with 12 abstentions. The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia,

Gambia, Ghana, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Belize, Brazil, Cape Verde, Colombia, Guyana, Iraq, Kyrgyzstan, Mauritius, Papua New Guinea, Sri Lanka, Suriname, Trinidad and Tobago.

43. After the vote, the representative of Turkey made a statement (see A/C.3/60/SR.47).

E. Draft resolution A/C.3/60/L.48

44. At the 35th meeting, on 8 November, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Albania, Australia, Austria, Belgium, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Democratic People's Republic of Korea" (A/C.3/60/L.48). Subsequently, Bulgaria, Iceland, Israel, Liechtenstein, New Zealand, Nicaragua, Palau and the Republic of Moldova joined in sponsoring the draft resolution.

45. At the same meeting, the representative of the Democratic People's Republic of Korea made a statement (see A/C.3/60/SR.35).

46. At its 42nd meeting, on 17 November, the Committee was advised that the draft resolution had no financial implications.

47. At the same meeting, statements were made by the representatives of the Democratic People's Republic of Korea and the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) (see A/C.3/60/SR.42).

48. Also at its 42nd meeting, the Committee adopted draft resolution A/C.3/60/L.48 by a recorded vote of 84 to 22, with 62 abstentions (see para. 70, draft resolution IV). The voting was as follows:[2]

In favour:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Azerbaijan, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Gambia, Guinea, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Russian Federation, Sudan, Swaziland, Tajikistan, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Ghana, Guinea-Bissau, Guyana, India, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Mali, Mauritius, Morocco, Mozambique, Namibia, Nepal, Niger, Nigeria, Pakistan, Philippines, Qatar, Republic of Korea, Saint Kitts and Nevis, Saint Lucia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Yemen, Zambia.

49. Before the adoption of the draft resolution, statements were made by the representatives of Barbados, Venezuela (Bolivarian Republic of), Cuba, Malaysia, Indonesia, China, Belarus, the Sudan, Turkmenistan, Zimbabwe and Egypt; after the

[2] Subsequently, the representative of the Syrian Arab Republic stated that she had meant to vote against the draft resolution, and the representative of Estonia stated that she had meant to vote in favour; the delegation of Grenada indicated that, had it been present during the voting, it would have voted in favour.

adoption of the draft resolution, statements were made by the representatives of the Republic of Korea and Japan (see A/C.3/60/SR.42).

F. Draft resolution A/C.3/60/L.51

50. At the 37th meeting, on 9 November, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Albania, Austria, Belgium, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom, introduced a draft resolution entitled "Situation of human rights in Uzbekistan" (A/C.3/60/L.51). Subsequently, Andorra, Australia, Bulgaria, Iceland, Liechtenstein, Palau and Switzerland joined in sponsoring the draft resolution.

51. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) orally revised the draft resolution as follows:

(a) Operative paragraph 2 (h), which read:

"Continued restriction of access of representatives of the International Committee of the Red Cross to places of detention",

was deleted;

(b) Operative paragraph 4 (e), which read:

"To ensure full respect for all human rights and fundamental freedoms and, in this regard, to implement fully the recommendations of the independent expert on the protection of human rights and fundamental freedoms while countering terrorism appointed under the confidential 1503 procedure at the sixtieth session of the Commission on Human Rights and to extend full cooperation to the newly appointed Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism",

was replaced by:

"To ensure full respect for all human rights and fundamental freedoms and, in this regard, to implement fully the recommendations of the independent expert on the situation of human rights in Uzbekistan appointed under the confidential 1503 procedure at the sixtieth session of the Commission on Human Rights and to extend full cooperation to the newly appointed Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism";

(c) Operative paragraph 4 (i) which read:

"To allow, in line with Uzbek commitments, access of representatives of the International Committee of the Red Cross to detainees",

was replaced by:

"To allow the representatives of the International Committee of the Red Cross unimpeded access to persons detained, in accordance with its working procedures".

52. Also at the 37th meeting, the representative of Uzbekistan made a statement (see A/C.3/60/SR.37).

53. At its 46th meeting, on 22 November, the Committee was advised that the draft resolution had no financial implications.

54. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) made a statement and further orally revised the draft resolution as follows:

(a) Operative paragraph 4 (e), as orally revised (see para. 51 (b) above) was replaced by:

"To ensure full respect for all human rights and fundamental freedoms, and in this regard, to implement fully the recommendations of the independent expert on the situation of human rights in Uzbekistan appointed under the confidential 1503 procedure at the sixtieth session of the Commission on Human Rights and to extend full cooperation to the newly appointed independent expert";

(b) In operative paragraph 5, the words "sixty-second" were replaced by the words "sixty-first".

55. Also at the same meeting, the representatives of Malaysia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries), Cuba, Turkmenistan, Venezuela (Bolivarian Republic of) and Myanmar made statements (see A/C.3/60/SR.46).

56. The representative of Uzbekistan made a statement, in the course of which she moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution.

57. Statements in favour of the motion were made by the representatives of Belarus and China; statements against the motion were made by the representatives of Canada and the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union).

58. At the same meeting, the Committee rejected the motion by a recorded vote of 75 to 65, with 28 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, El Salvador, Eritrea, Fiji, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Namibia, Nepal, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, South Africa, Sudan, Swaziland, Syrian Arab Republic,

Tajikistan, Thailand, Togo, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Abstaining:

Algeria, Brazil, Burundi, Cameroon, Cape Verde, Central African Republic, Colombia, Democratic Republic of the Congo, Djibouti, Ethiopia, Ghana, Guyana, Haiti, Iraq, Kenya, Mali, Mauritius, Nauru, Niger, Nigeria, Rwanda, Senegal, Sri Lanka, Suriname, Trinidad and Tobago, Tunisia, United Republic of Tanzania, Uruguay.

59. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/60/L.51, as further orally revised, by a recorded vote of 73 to 38, with 58 abstentions (see para. 70, draft resolution V). The voting was as follows:

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Nicaragua, Norway, Palau, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Against:

Afghanistan, Azerbaijan, Bahrain, Bangladesh, Belarus, Botswana, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Egypt, Gambia, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Myanmar, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sudan, Syrian Arab Republic, Tajikistan, Turkmenistan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Bahamas, Barbados, Belize, Bhutan, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Fiji, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Iraq, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Mali, Mauritius, Mozambique, Namibia, Nauru, Nepal, Niger, Nigeria, Panama, Papua New Guinea, Philippines, Republic of Korea, Rwanda, Saint Lucia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Zambia.

60. Statements were made before the vote by the representatives of Belarus, Barbados, the Democratic People's Republic of Korea, the Sudan, the Russian Federation, Turkmenistan and Uzbekistan (see A/C.3/60/SR.46).

G. Draft resolution A/C.3/60/L.53

61. At the 35th meeting, on 8 November, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Albania, Austria, Belgium, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom, introduced and orally corrected a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/60/L.53). Subsequently, Andorra, Australia, Bulgaria, Iceland and the United States of America joined in sponsoring the draft resolution.

62. At its 44th meeting, on 18 November, the Committee had before it a statement of the programme budget implications of draft resolution A/C.3/60/L.53, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/60/L.68).

63. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) made a statement and orally revised the draft resolution as follows:

(a) In operative paragraph 1 (d), the words "some two hundred and forty-nine political prisoners" were replaced by the words "two hundred and forty-nine political prisoners on 6 July 2005";

(b) In operative paragraph 3 (h), the words "genuinely inclusive process" were replaced by the words "inclusive and credible process".

64. Also at the same meeting, the representatives of Myanmar and Malaysia made statements (see A/C.3/60/SR.44). The representative of Cuba also made a statement and moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution.

65. Statements in favour of the motion were made by the representatives of China and Turkmenistan; statements against the motion were made by the representatives

of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) and New Zealand (see A/C.3/60/SR.44).

66. The motion was rejected by a recorded vote of 77 to 54, with 35 abstentions. The voting was as follows:

In favour:

Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Brunei Darussalam, Cambodia, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Fiji, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kazakhstan, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Mauritania, Myanmar, Namibia, Nepal, Pakistan, Papua New Guinea, Philippines, Russian Federation, Saint Lucia, Sierra Leone, Singapore, South Africa, Sudan, Syrian Arab Republic, Thailand, Turkmenistan, Uganda, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Abstaining:

Angola, Botswana, Brazil, Burkina Faso, Burundi, Cape Verde, Colombia, Djibouti, Equatorial Guinea, Ethiopia, Ghana, Guinea-Bissau, Guyana, Iraq, Jordan, Kenya, Kuwait, Kyrgyzstan, Mali, Mauritius, Morocco, Niger, Qatar, Rwanda, Saudi Arabia, Senegal, Sri Lanka, Suriname, Tajikistan, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay.

67. At the same meeting, the representative of Myanmar made a statement (see A/C.3/60/SR.44).

68. Also at its 44th meeting, the Committee adopted draft resolution A/C.3/60/L.53, as orally revised, without a vote (see para. 70, draft resolution VI).

69. After the adoption of the draft resolution, statements were made by the representatives of Cuba, Venezuela (Bolivarian Republic of), Belarus, Japan, Indonesia, Uzbekistan and Cameroon (see A/C.3/60/SR.44).

III. Recommendations of the Third Committee

70. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, and the duty to fulfil the obligations they have undertaken under the various instruments in this field,

Noting that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,

Underlining the importance of elections as the foundation for the longer-term restoration of peace and stability, national reconciliation, the rule of law and lasting promotion and protection of human rights in the Democratic Republic of the Congo,

Recalling its previous resolutions, as well as those of the Commission on Human Rights and the Security Council, on the situation in the Democratic Republic of the Congo,

1. *Welcomes*:

(a) The report of the independent expert on the situation of human rights in the Democratic Republic of the Congo of September 2005,[1] as well as his visit to the Democratic Republic of the Congo in August;

(b) The strengthened mandate of the United Nations Organization Mission in the Democratic Republic of the Congo regarding the protection of civilians in accordance with Security Council resolution 1592 (2005), and expresses its support for the continued work of the Mission and the Special Representative of the Secretary-General for the Democratic Republic of the Congo;

(c) The work accomplished by the human rights field office in the Democratic Republic of the Congo, and encourages the office to pursue and enhance its cooperation with the relevant agencies of the United Nations and the Mission in the fulfilment of its mandate;

(d) The measures taken in 2005 by the authorities of the Democratic Republic of the Congo to arrest and detain leaders of militia groups suspected of committing killings and other serious crimes against civilians;

(e) The substantial progress made by the Transitional National Government and the Independent Electoral Commission, with the welcome assistance of the United Nations Organization Mission in the Democratic Republic of the Congo,

[1] See A/60/395.

towards the holding of elections before June 2006 as specified by the Global and All-Inclusive Agreement, in particular the registration of voters and the enthusiasm shown by the Congolese people to embrace a democratic future;

2. *Takes note* of the continuing investigation by the Office of the Prosecutor of the International Criminal Court, based upon the referral of the Democratic Republic of the Congo, into crimes allegedly committed in the territory of the Democratic Republic of the Congo since the entry into force of the Rome Statute of the International Criminal Court on 1 July 2002;

3. *Requests* the United Nations High Commissioner for Human Rights to ensure that consultations continue between the field office of the Office of the High Commissioner in the Democratic Republic of the Congo and the Secretary-General concerning the ways in which to assist the transitional Government of the Democratic Republic of the Congo in tackling the problem of impunity, and looks forward to the report of the High Commissioner to the Commission on Human Rights at its sixty-second session on those consultations and on possible options for putting an end to the impunity of the perpetrators of crimes committed before 1 July 2002;

4. *Condemns*:

(a) The ongoing violations of human rights and international humanitarian law, particularly in North Kivu and South Kivu, northern Katanga and other areas in the eastern part of the Democratic Republic of the Congo, including armed violence and reprisals against the civilian population and the recourse to sexual violence against women and children, including in situations where such practices are being used as a weapon of war;

(b) The killing of United Nations peacekeeping troops by militia groups in Ituri Province, eastern Democratic Republic of the Congo, in February 2005 and in June 2005;

(c) The killing of Pascal Kabungulu Kibembi, Executive Secretary of the human rights non-governmental organization, Héritiers de la Justice, on 31 July 2005 and the harassment of human rights defenders across the country, but particularly in the eastern Democratic Republic of the Congo;

(d) The continued illegal exploitation of natural resources in the eastern Democratic Republic of the Congo and killings and other serious crimes against civilians committed by groups linked to the mining and trading of those resources, as well as the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms as one of the factors fuelling and exacerbating conflicts in the Democratic Republic of the Congo;

5. *Urges* all the parties, including non-signatories of the Global and All-Inclusive Agreement on the Transition, in the Democratic Republic of the Congo:

(a) To respect and further implement the Global and All-Inclusive Agreement and to cease immediately any action which impedes the consolidation of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

(b) To support the transitional Government and its institutions in order to allow for the re-establishment of political and economic stability and for the gradual

reinforcement of State structures over the entire territory of the Democratic Republic of the Congo, in accordance with their obligations under the transitional Constitution and as per the text of the Constitution submitted for referendum in December;

(c) To put an immediate end to the recruitment and use of child soldiers, which is contrary to international law and to the African Charter on the Rights and Welfare of the Child,[2] with the understanding that, under the Convention on the Rights of the Child[3] and the Optional Protocol thereto on the involvement of children in armed conflict,[4] and in accordance with Security Council resolutions 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005 on children and armed conflict, persons under the age of 18 are entitled to special protection, and to develop and implement without delay the action plans called for in Security Council resolutions 1539 (2004) and 1612 (2005);

(d) To take special measures to protect women and children from the appalling violence, including sexual violence, which continues to be prevalent throughout the country, in particular in the eastern part of the country, and to bring the perpetrators of such crimes to justice as soon as possible, and condemns in particular the widespread use of sexual violence as a means of warfare;

(e) To respect international humanitarian law, in particular on the protection of civilians, and to ensure the safety, security and freedom of movement of all civilians and United Nations and associated personnel, and the unhindered access of humanitarian personnel to all of the affected population throughout the territory of the Democratic Republic of the Congo in accordance with Security Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000;

(f) To promote the full enjoyment of all human rights and to protect the safety, security and freedom of movement of all human rights defenders;

6. *Calls upon* the Government of National Unity and Transition to take specific measures:

(a) To complete the objectives of the transitional period as laid down in the Global and All-Inclusive Agreement, in particular the holding of free and transparent elections at all levels within the specified timetable, enabling the establishment of a democratic constitutional regime, and the formation of a restructured and fully integrated national army, and also the formation of an integrated and adequately resourced national police force, while ensuring that government institutions, including the army and police, are trained in human rights aspects of their work, and ensuring that both light and heavy weapons are being surrendered in the disarmament process;

(b) To strengthen the transitional institutions, in particular to set up effectively the Independent Electoral Commission, and to make more effective the institutions for the strengthening of democracy: the Truth and Reconciliation Commission, the Human Rights Monitoring Centre and the Haute-Autorité des Médias, and to re-establish stability and the rule of law over the entire territory of

[2] *Human Rights: A Compilation of International Instruments*, vol. II, *Regional Instruments* (United Nations publication, Sales No. E.97.XIV.1), sect. C, No. 39.

[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[4] Resolution 54/263, annex I.

the Democratic Republic of the Congo, thereby returning peace and progress to its people;

(c) To comply fully with its obligations under international human rights instruments and, accordingly, to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights and the Human Rights Section of the United Nations Organization Mission in the Democratic Republic of the Congo;

(d) To put an end to impunity and to ensure, as it is duty-bound to do, that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with applicable international procedural standards, and to carry out urgently a comprehensive reform of the judicial and prison system;

(e) To promote the full enjoyment of all human rights by women and children and to meet the special needs of women and girls in post-conflict reconstruction, as well as to ensure the full participation of women in all aspects of conflict resolution and peace processes, including peacekeeping, conflict management and peacebuilding, as a matter of priority, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security;

(f) To continue to cooperate fully with the International Criminal Court and with the International Criminal Tribunal for Rwanda, by ensuring that they have all necessary means with which to accomplish their tasks;

(g) To continue to uphold its commitment to abolishing the death penalty and not to impose it on juvenile offenders in line with its obligations assumed under the relevant provisions of the International Covenant on Civil and Political Rights[5] and other human rights instruments;

(h) To prevent the use of the media to incite hatred or tensions among communities, while respecting freedom of expression and of the press, particularly during the electoral campaign;

(i) To ensure that human rights defenders are protected from abuses, threats and harassment;

(j) To accelerate its programme to demobilize, disarm and reintegrate former combatants, taking into account the special needs of women and children, including girls, associated with those combatants;

(k) To ensure the rights and well-being of internally displaced persons;

(l) To increase its efforts to eliminate corruption in the Democratic Republic of the Congo, which contributes to a general climate of impunity, and to take steps towards the setting up of an arrangement to strengthen support for good governance and transparent economic management, with the support of the International Committee in Support of the Transition, the United Nations Organization Mission in the Democratic Republic of the Congo, international financial institutions and donors;

[5] See resolution 2200 A (XXI), annex.

7. *Calls upon* the Governments of countries in the region, including the Democratic Republic of the Congo:

(a) To contribute to preventing armed groups operating in the eastern Democratic Republic of the Congo from perpetrating killings and other serious crimes by tackling the illicit trade by those armed groups in illegally extracted natural resources as well as the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms, including by preventing support for such armed groups, while fully respecting the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

(b) To work with the United Nations Organization Mission in the Democratic Republic of the Congo to take urgent steps towards the disarmament and resettlement or repatriation of foreign armed groups, which remain a threat to regional peace and perpetrate killings and serious crimes against the civilian population of the Democratic Republic of the Congo;

(c) To support the transitional process in the Democratic Republic of the Congo and adhere fully to the Principles on Good-neighbourly Relations and Cooperation between the Democratic Republic of the Congo and Burundi, Rwanda and Uganda, signed in New York on 25 September 2003,[6] to continue to work towards the successful implementation of the Joint Verification Mechanism, to work through the Tripartite Commission Plus One and to respect the principles of the Dar es Salaam Declaration of November 2004, and welcomes steps taken in this regard to date;

(d) To peacefully repatriate members of the Forces démocratiques pour la libération du Rwanda returning to Rwanda, in accordance with the applicable norms of international law and with respect for human rights and fundamental freedoms, and to ensure the rights and well-being of returnees and refugee populations;

(e) To continue to cooperate with the International Criminal Court and with the International Criminal Tribunal for Rwanda, and, specifically in the case of the Democratic Republic of the Congo, to make swift progress towards passing legislation necessary for the International Criminal Court's investigations in the Democratic Republic of the Congo to proceed smoothly;

8. *Urges* the Secretary-General to continue his work aimed at eliminating sexual exploitation and abuse committed by personnel serving the United Nations Organization Mission in the Democratic Republic of the Congo;

9. *Encourages* the international community:

(a) To continue to support the transitional process in the Democratic Republic of the Congo and its institutions and, in particular, to support the electoral process and to provide further assistance for the reform of the justice system;

(b) To observe the arms embargo on the Democratic Republic of the Congo established by Security Council resolution 1493 (2003) of 28 July 2003 and expanded by resolution 1596 (2005) of 18 April 2005, and to enforce the sanctions measures against individuals identified by the Security Council in line with its resolution 1596 (2005) and its resolution 1616 (2005) of 29 July 2005;

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[6] A/58/428-S/2003/983, annex.

Draft resolution II
Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the subject, the most recent of which is resolution 59/205 of 20 December 2004, and recalling also Commission on Human Rights resolution 2001/17 of 20 April 2001,[5]

Noting the statements made by the Government of the Islamic Republic of Iran on strengthening respect for human rights in the country and promoting the rule of law,

1. *Welcomes*:

(a) The open invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002 and the cooperation extended to the special procedures of the Commission on Human Rights during their visits;

(b) The visit of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, to the Islamic Republic of Iran from 29 January to 6 February 2005;

(c) The visit of the Special Rapporteur of the Commission on Human Rights on adequate housing as a component of the right to an adequate standard of living to the Islamic Republic of Iran from 19 to 30 July 2005;

(d) The recommendation by the head of the judiciary of the Islamic Republic of Iran to judges in December 2002 that they choose alternative punishment in cases where the sentence of stoning would otherwise be imposed;

(e) The announcement by the head of the judiciary in April 2004 of the ban on torture and the subsequent passage of related legislation by the Parliament, which was approved by the Guardian Council in May 2004;

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

(f) The compliance by the Islamic Republic of Iran with its obligation, as a party to the Convention on the Rights of the Child, to deliver its presentation to the Committee on the Rights of the Child in January 2005;

(g) The human rights dialogues between the Islamic Republic of Iran and a number of countries, while regretting that a number of these have not been held at regular intervals lately;

(h) The cooperation with United Nations agencies in developing programmes in the field of human rights, good governance and the rule of law;

2. *Expresses its serious concern* at:

(a) The continuing harassment, intimidation and persecution of human rights defenders, non-governmental organizations, political opponents, religious dissenters, political reformists, journalists, parliamentarians, students, clerics, academics and webloggers, including through undue restrictions on the freedoms of assembly, opinion and expression, the use of arbitrary arrest, targeted at both individuals and their family members, and the unjustified closure of newspapers and blocking of Internet sites, as well as the absence of many necessary conditions for free and fair elections, including by the arbitrary disqualification of large numbers of prospective candidates, including all women, during the presidential elections of June 2005;

(b) The persistent failure to comply fully with international standards in the administration of justice and, in particular, the absence of due process of law, the refusal to provide fair and public hearings, the denial of the right to counsel and access to counsel by those detained, the use of national security laws to deny human rights, the harassment, intimidation and persecution of defence lawyers and legal defenders, the lack of respect for internationally recognized safeguards, inter alia, with respect to persons belonging to religious, ethnic or national minorities, officially recognized or otherwise, the application of arbitrary prison sentences, and the violation of the rights of detainees, including the systematic and arbitrary use of prolonged solitary confinement, the failure to provide proper medical care to those imprisoned and the arbitrary denial of contact between detainees and their family members;

(c) The continuing use of torture and cruel, inhuman or degrading treatment or punishment such as flogging and amputations;

(d) The continuing of public executions, including multiple public executions, and, on a large scale, other executions in the absence of respect for internationally recognized safeguards, and, in particular, deplores the execution of persons who were under the age of 18 at the time their offence was committed, contrary to the obligations of the Islamic Republic of Iran under article 37 of the Convention on the Rights of the Child[4] and article 6 of the International Covenant on Civil and Political Rights[2] and in spite of the announcement of a moratorium on juvenile executions;

(e) The continuing violence and discrimination against women and girls in law and in practice, despite some minor legislative improvements, and the refusal of the Guardian Council to take steps to address this systemic discrimination, noting in this context its rejection, in August 2003, of the proposal of the elected parliament

to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[6]

(f) The continuing discrimination, and other human rights violations against persons belonging to ethnic and religious minorities, recognized or otherwise, including Arabs, Kurds, Baluchi, Christians, Jews and Sunni Muslims, the escalation and increased frequency of discrimination and other human rights violations against the Bahá'í, including cases of arbitrary arrest and detention, the denial of freedom of religion or of publicly carrying out communal affairs, the disregard of property rights, the destruction of sites of religious importance, the suspension of social, educational and community-related activities and the denial of access to higher education, employment, pensions, adequate housing and other benefits and recent violent crackdowns on Kurds;

3. *Calls upon* the Government of the Islamic Republic of Iran:

(a) To ensure full respect for the rights to freedom of assembly, opinion and expression, and the right to take part in the conduct of public affairs in accordance with its obligations under the International Covenant for Civil and Political Rights and, in particular, to end the harassment, intimidation and persecution of political opponents and human rights defenders, including by releasing people imprisoned arbitrarily or on the basis of their political views;

(b) To ensure full respect for the right to due process of law, including the right to counsel and access to counsel by those detained, in criminal justice proceedings and, in particular, to ensure a fair and public hearing by a competent, independent and impartial tribunal established by law, to end harassment, intimidation and persecution of defence lawyers and legal defenders and to ensure equality before the law and the equal protection of the law without any discrimination in all instances, including for members of religious, ethnic, linguistic or other minority groups, officially recognized or otherwise;

(c) To eliminate, in law and in practice, the use of torture and cruel, inhuman or other degrading treatment or punishment such as amputations and flogging, to end impunity for violations of human rights that constitute crimes by bringing the perpetrators to justice in accordance with international standards and, as proposed by the elected Iranian parliament, to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[7]

(d) To abolish public executions and other executions carried out in the absence of respect for internationally recognized safeguards, in particular, as called for by the Committee on the Rights of the Child in its report of January 2005, executions of persons who, at the time of their offence, were under the age of 18, and to uphold the moratorium on executions by stoning and to introduce this moratorium as law as a first step towards the abolition of this punishment;

(e) To eliminate, in law or in practice, all forms of discrimination and violence against women and girls, and, as proposed by the elected Iranian Parliament, to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[6]

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[6] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[7] Ibid., vol. 1465, No. 24841.

(f) To eliminate, in law or in practice, all forms of discrimination based on religious, ethnic or linguistic grounds, and other human rights violations against persons belonging to minorities, including Arabs, Kurds, Baluchi, Christians, Jews, Sunni Muslims and the Bahá'í, and to address this matter in an open manner, with the full participation of the minorities themselves, to otherwise ensure full respect for the right to freedom of thought, conscience, religion or belief of all persons, and to implement the 1996 report of the Special Rapporteur of the Commission on Human Rights on religious intolerance, which recommended ways the Islamic Republic of Iran could emancipate the Bahá'í community;

4. *Encourages* the thematic mechanisms of the Commission on Human Rights, inter alia, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary-General on the situation of human rights defenders and the Working Group on Enforced or Involuntary Disappearances, to visit or otherwise continue their work to improve the human rights situation in the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to cooperate with these special mechanisms and to illustrate how their subsequent recommendations have been addressed, including those of special procedures that have visited the country in the past twelve months;

5. Decides to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-first session, under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

Draft resolution III
Situation of human rights in Turkmenistan

The General Assembly,

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Recalling its resolutions 58/194 of 22 December 2003 and 59/206 of 20 December 2004, and Commission on Human Rights resolutions 2003/11 of 16 April 2003[1] and 2004/12 of 15 April 2004,[2]

Noting the conclusion of the first needs-assessment mission of the Office of the United Nations High Commissioner for Human Rights to Turkmenistan in March 2004 and the ongoing consultations to finalize a possible technical cooperation project,

Noting with appreciation that the Government of Turkmenistan has received the Chairman-in-Office and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe,

Welcoming the report of September 2005 of the Secretary-General on the situation of human rights in Turkmenistan,[3] which concludes that while the Government of Turkmenistan has made some progress in addressing human rights issues and has shown readiness to cooperate with the international community, there was a lack of overall improvement in addressing serious human rights violations,

Reaffirming that improving security and the fight against terrorism should be conducted in accordance with international law, in particular international human rights, humanitarian and refugee law, and democratic principles,

1. *Welcomes*:

(a) The fact that additional minority religious groups have been allowed to worship for the first time as a result of the removal of a legal impediment to the full realization of the right to freedom of thought, conscience, religion or belief, but notes that serious violations of these freedoms continue;

(b) The release in April 2005 of four Jehovah's Witnesses who had made conscientious objections to undertaking military service;

(c) The lifting of criminal penalties for the activities of non-registered non-governmental organizations in November 2004, while nevertheless noting that difficulties in the registration process for non-governmental organizations and private organizations continue and that other significant restrictions continue to hinder their activities;

(d) The submission, within the past year, of the national report under the International Convention on the Elimination of All Forms of Racial Discrimination[4] to the Committee on the Elimination of Racial Discrimination, as well as the reports

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II.A.

[2] Ibid., *2004, Supplement No. 3* and corrigendum (E/2004/23 and Corr.1), chap. II.A.

[3] A/60/367.

[4] Resolution 2106 A (XX), annex.

due under the Convention on the Rights of the Child[5] and the Convention on the Elimination of All Forms of Discrimination against Women,[6] while encouraging the Government of Turkmenistan to comply with its outstanding reporting obligations to the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture;

(e) The demonstrated readiness of the Government of Turkmenistan to discuss human rights matters with interested third parties on an ad hoc basis and to agree on the desirability of continuing dialogue and practical cooperation;

(f) The statements made by the President of Turkmenistan in April 2005 on democratic reforms, and urges that these reforms be truly democratic, in line with established international norms;

(g) The accession by Turkmenistan to the following United Nations protocols and conventions, and urges the Government of Turkmenistan to implement its obligations under these instruments:

(i) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;[7]

(ii) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;[8]

(iii) The United Nations Convention against Transnational Organized Crime,[9] its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children[10] and its Protocol against the Smuggling of Migrants by Land, Sea and Air;[11]

(h) The public statements of the President of Turkmenistan recommending the abolition of the practice of removing children from school for the cotton harvest and reprimanding a local governor for the use of child labour in the fields, as well as a law passed on 1 February 2005 prohibiting the employment of minors under the age of 15 and stipulating that no form of child labour should interfere with a child's education, and calls on the Government of Turkmenistan to ensure that the law is fully implemented;

(i) The decision of the Government of Turkmenistan to grant citizenship or permanent resident status to more than sixteen thousand refugees, including a significant number of Tajik refugees, who had fled Tajikistan between 1992 and 1999 and whose naturalization under the Turkmen Nationality Law had been advocated for many years by the United Nations High Commissioner for Refugees;

(j) The abolition of exit visas as a requirement for leaving the country;

2. *Expresses its grave concern* at the continuing and serious human rights violations occurring in Turkmenistan, in particular:

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[5] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[6] Ibid., vol. 1249, No. 20378.

[7] Resolution 54/263, annex I.

[8] Resolution 54/263, annex II.

[9] Resolution 55/25.

[10] Resolution 55/25, annex II.

[11] Resolution 55/25, annex III.

(a) The persistence of a governmental policy based on the repression of all political opposition activities;

(b) The continuing abuse of the legal system through arbitrary detentions, imprisonment and surveillance of persons who try to exercise their freedom of expression, assembly and association, and by harassment of their families;

(c) The poor conditions in prisons in Turkmenistan and credible reports of ongoing torture and mistreatment of detainees;

(d) The failure of the Government of Turkmenistan to grant access to detainees to the International Committee of the Red Cross, according to the usual terms of the Committee, as well as to international monitors;

(e) The complete control of the media by the Government of Turkmenistan, its censorship of all newspapers and access to the Internet and intolerance of independent criticism of government policy, as well as further restrictions on the freedom of expression and opinion, including shutting down the last remaining Russian language radio station, Radio Mayak, even if satellite television is permitted and widely used, harassing of local correspondents and collaborators of Radio Liberty and prohibiting all contact between local journalists and foreigners without the express consent of the Government;

(f) Continuing restrictions on the exercise of the freedom of thought, conscience, religion or belief, including the use of registration procedures as a means to limit the right and freedom of thought, conscience and religion of members of certain religious communities;

(g) Continuing discrimination by the Government of Turkmenistan against ethnic Russian, Uzbek and other minorities, inter alia, in the fields of education and employment and access to media, despite assurances by the Government that it will stop this discrimination, taking note in this regard of the concluding observations of August 2005 of the Committee on the Elimination of Racial Discrimination;

(h) Forced displacement of its citizens, including a disproportionate displacement of ethnic minorities;

(i) Continuing restrictions on the exercise of the right of peaceful assembly, including increased constraints faced by civil society organizations, such as the slow progress in the registration of non-governmental organizations under the procedures set out in the law of 2003 on public associations;

(j) The continuing failure of the Government of Turkmenistan to respond to the criticisms identified in the report of the rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe with regard to the investigation, trial and detention procedures following the reported assassination attempt against the President of Turkmenistan in November 2002, as well as the failure of the Turkmen authorities to allow appropriate independent bodies, family members and lawyers access to those convicted, or to provide any kind of evidence to dispel rumours that some of those convicted have died in detention;

(k) Arbitrary or unlawful interference with individuals' privacy, family, home or correspondence and violations of the freedom to leave one's country;

(l) Reported instances of hate speech against national and ethnic minorities, including statements attributed to high-ranking government officials and public figures supporting an approach to Turkmen ethnic purity, as noted in the concluding

observations of August 2005 of the Committee on the Elimination of Racial Discrimination;

3. *Urges* the Government of Turkmenistan:

(a) To ensure full respect for all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in General Assembly resolutions 58/194 and 59/206 and Commission on Human Rights resolutions 2003/11 and 2004/12;

(b) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all the mechanisms of the Commission on Human Rights, in particular to consider favourably requests made by a number of special rapporteurs of the Commission on Human Rights to visit the country, as recalled in the report of the Secretary-General,[3] and with all the relevant United Nations treaty bodies;

(c) To implement fully the recommendations outlined in the report of the rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe and to work constructively with the various institutions of the Organization, and to facilitate further visits of the Organization's Chairman-in-Office as well as his Personal Envoy for participating States in Central Asia, and of the Organization's High Commissioner on National Minorities;

(d) To follow through on the presentation of the Government of Turkmenistan to the Commission on Human Rights in April 2004 and the meetings of the Government of Turkmenistan with the International Committee of the Red Cross in 2005 by finalizing an agreement allowing the Committee to visit Turkmen prisons with full and repeated access to all places of detention in accordance with the usual modalities for that organization, and by providing international monitors, lawyers and relatives with full and repeated access to all those in detention, including those convicted of involvement in the coup attempt of 25 November 2002;

(e) To respect the right of everyone to freedom of thought, conscience, religion or belief, whether a member of a religious group or not, and to cease the harassment, detention and persecution of members of religious minorities, whether registered or unregistered;

(f) To bring laws and practices governing registration of public associations, including non-governmental organizations, into line with the standards of the Organization for Security and Cooperation in Europe and to enable non-governmental organizations, particularly human rights organizations, and other civil society actors, including independent media, to carry out their activities without hindrance;

(g) To submit reports to the United Nations treaty bodies to which it has assumed a reporting obligation and to give due regard to the recommendations and concluding observations of those treaty bodies, the most recent being the recommendations and concluding observations of the Committee on the Elimination of Racial Discrimination;

(h) To fulfil its responsibility to ensure that those responsible for human rights violations are brought to justice;

4. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-first session on the implementation of the present resolution.

Draft resolution IV
Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Recalling Commission on Human Rights resolutions 2003/10 of 16 April 2003,[4] 2004/13 of 15 April 2004[5] and 2005/11 of 14 April 2005,[6]

Recalling in particular that in its resolution 2005/11, the Commission on Human Rights urged the General Assembly to take up the question of the situation of human rights in the Democratic People's Republic of Korea if the Government did not extend cooperation to the Special Rapporteur of the Commission on the situation of human rights in the Democratic People's Republic of Korea and if no improvement of the situation of human rights in the country was observed,

Taking note of the report of the Special Rapporteur,[7]

1. *Expresses its serious concern* at:

(a) The refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him;

(b) Continuing reports of systemic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, public executions, extrajudicial and arbitrary detention, the absence of due process and the rule of law, the imposition of the death penalty for political reasons, the existence of a large number of prison camps and the extensive use of forced labour;

(ii) Sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, such as treating their departure

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[1] Resolution 2200 A (XXI), annex.

[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[3] Ibid., vol. 1249, No. 20378.

[4] *Official Records of the Economic and Social Council, 2003*, Supplement No. 3 (E/2003/23), chap. II, sect. A.

[5] Ibid., *2004*, Supplement No. 3 and corrigendum (E/2004/23 and Corr.1), chap. II, sect. A.

[6] See E/2005/23 (Part I); for the final text, see *Official Records of the Economic and Social Council, 2005*, Supplement No. 3 (E/2005/23), chap. II, sect. A.

[7] See A/60/306.

as treason, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty;

(iii) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, and on equal access to information and limitations imposed on every person who wishes to move freely within the country and travel abroad;

(iv) Continuing violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage, forced abortions, and infanticide of children of repatriated mothers, including in police detention centres and camps;

(v) Unresolved questions relating to the abduction of foreigners in the form of an enforced disappearance;

2. *Expresses its concern* that the Government of the Democratic People's Republic of Korea has not engaged in technical cooperation activities with the United Nations High Commissioner for Human Rights and her Office, despite efforts by the High Commissioner to engage in a dialogue with the authorities of the Democratic People's Republic of Korea in this regard;

3. *Expresses its deep concern* at the precarious humanitarian situation in the country, in particular the prevalence of infant malnutrition, which still affects the physical and mental development of a significant proportion of children;

4. *Urges* the Government of the Democratic People's Republic of Korea, in this regard, to ensure that humanitarian organizations, including non-governmental organizations and United Nations organizations, in particular the World Food Programme, have full, free, safe and unimpeded access to all parts of the Democratic People's Republic of Korea so that they may ensure that humanitarian assistance is delivered impartially on the basis of need in accordance with humanitarian principles, this concern having been aggravated by the announcement by the authorities of the Democratic People's Republic of Korea of their intention not to accept humanitarian assistance from January 2006;

5. *Also urges* the Government of the Democratic People's Republic of Korea to fully respect all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in the above-mentioned resolutions of the Commission on Human Rights, in particular full cooperation with the Special Rapporteur.

Draft resolution V
Situation of human rights in Uzbekistan

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Uzbekistan is party to the International Covenant on Civil and Political Rights,[1] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[2] the International Covenant on Economic, Social and Cultural Rights,[3] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] the Convention on the Elimination of Discrimination against Women,[5] and the Convention on the Rights of the Child,[6]

Deeply concerned by the events that occurred in Andijan in May 2005 and the subsequent response of the Uzbek authorities,

1. *Welcomes*:

(a) The high-level talks of the Government of Uzbekistan with the Secretary-General of the Organization for Security and Cooperation in Europe and Special Representative of the European Union for Central Asia, and hopes that a real, constructive dialogue on human rights issues will be held soon;

(b) The steps, albeit limited, taken to date to implement the National Action Plan on Torture and the recommendations of the Special Rapporteur of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment, including the definition of torture by the Supreme Court in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the amendment of the Criminal Code to include torture as a punishable crime;

(c) The statement made by the President of Uzbekistan on 28 January 2005 in which he expressed, inter alia, the intention to provide for true independence of the judiciary, and calls upon the Government of Uzbekistan to take steps to allow for its practical independence, as outlined by the President;

(d) The decree of the President of Uzbekistan on 1 August 2005 that the death penalty shall be abolished in Uzbekistan as from 1 January 2008;[7]

2. *Expresses its grave concern* at the continuing and serious human rights violations occurring in Uzbekistan, in particular:

(a) Eyewitness reports of indiscriminate and disproportionate force used by government troops to quell demonstrations in Andijan in May 2005 resulting in the death of many civilians;

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[1] Resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[3] Resolution 2106 A (XX), annex.
[4] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[5] Ibid., vol. 1577, No. 27531.
[6] A/59/890, annex.

(b) The pressure applied to prevent citizens of Uzbekistan with refugee status granted by the Office of the United Nations High Commissioner for Refugees from travelling to a third country;

(c) Reports of arbitrary arrest and detention, including of eyewitnesses to the events in Andijan;

(d) Prevention of the functioning of independent media and the intolerance of any form of dissent expressed therein and increasing restrictions on freedom of expression, particularly harassment, beatings, arrests and threats made against journalists and civil society activists attempting to document and publicize information on the events in Andijan;

(e) Continuing refusal to permit the registration of opposition political parties, and their consequent inability to participate in the electoral process;

(f) A continuing pattern of discrimination, harassment and prosecution with regard to the exercise of freedom of thought, conscience and religion;

(g) Serious constraints on, and harassment and detention of, the members of non-governmental organizations and civil society, including human rights defenders;

3. *Deeply regrets* the decision of the Government of Uzbekistan to reject both the repeated calls of the United Nations High Commissioner for Human Rights for the establishment of an independent commission of inquiry into the events that occurred in Andijan on 13 May 2005 and the request of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions to visit Uzbekistan soon afterwards;

4. *Strongly calls upon* the Government of Uzbekistan:

(a) To implement fully without any delay the recommendations contained in the report of the mission of the Office of the United Nations High Commissioner for Human Rights to Kyrgyzstan in June 2005,[7] most notably with respect to granting permission for the establishment of an international commission of inquiry into the events in Andijan;

(b) To accede to the 1951 Convention relating to the Status of Refugees[8] and its 1967 Protocol;[9]

(c) To put an end to the harassment and detention of eyewitnesses to the events in Andijan;

(d) To ensure readily accessible and fair trials;

(e) To ensure full respect for all human rights and fundamental freedoms and, in this regard, to implement fully the recommendations of the independent expert on the situation of human rights in Uzbekistan appointed under the confidential 1503 procedure at the sixtieth session of the Commission on Human Rights and to extend full cooperation to the newly appointed independent expert;

(f) To permit the full freedom of practising religion;

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[7] Available from http://www.reliefweb.int/library/documents/2005/unhcr-uzb-12jul.pdf (accessed 3 November 2005).

[8] United Nations, *Treaty Series*, vol. 189, No. 2545.

[9] Ibid., vol. 606, No. 8791.

(g) To implement fully the recommendations contained in the report of the Special Rapporteur of the Commission on Human Rights on the question of torture prepared following his visit to Uzbekistan from 24 November to 6 December 2002;[10]

(h) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all the mechanisms of the Commission on Human Rights and all the relevant United Nations treaty bodies;

(i) To allow the representatives of the International Committee of the Red Cross unimpeded access to persons detained, in accordance with its working procedures;

(j) To implement fully the commitments undertaken in the framework of the Organization for Security and Cooperation in Europe and to cooperate with the institutions of that Organization;

(k) To register independent opposition political parties and allow them to participate in the electoral process;

(l) To lift restrictions on the activities of civil society, including non-governmental organizations;

(m) To protect journalists, including those who write articles opposing government policy, in line with the President's past appeals for journalists to be more critical, and the functioning of independent media outlets, including, as the case may be, licensing and accreditation;

(n) To take legislative, judicial, administrative and other appropriate measures to actively protect human rights defenders against any violence, threats and other forms of harassment, and to withdraw all measures that restrict their freedom of action, assembly and speech or that hinder them in carrying out their legitimate activities according to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;[11]

(o) To place no restrictions on diplomats and representatives of the United Nations, the Organization for Security and Cooperation in Europe and other international bodies in respect of their travel to Uzbekistan;

5. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-first session.

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[10] E/CN.4/2003/68/Add.2, annex.

[11] Resolution 53/144, annex.

Draft resolution VI
Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the human rights situation in Myanmar, the most recent of which is resolution 59/263 of 23 December 2004, those of the Commission on Human Rights, the most recent of which is resolution 2005/10 of 14 April 2005,[3] and the conclusions of the International Labour Conference of 4 June 2005,

Bearing in mind Security Council resolutions 1325 (2000) of 31 October 2000 on women and peace and security, 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 on the protection of civilians in armed conflict and 1612 (2005) of 26 July 2005 on children in armed conflict, and the report of the Secretary-General on children and armed conflict,[4]

Recognizing that good governance, democracy, the rule of law and respect for human rights are essential to achieving sustainable development and economic growth, and affirming that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

Affirming that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

1. *Welcomes*:

(a) The reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar[5] and the reports of the Secretary-General;[6]

(b) The personal engagement and statements of the Secretary-General with regard to the situation of Myanmar;

(c) The efforts of the United Nations and other international humanitarian organizations to deliver urgently needed humanitarian assistance to the most vulnerable people in Myanmar;

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See E/2005/23 (Part I); for the final text, see *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

[4] A/59/695-S/2005/72.

[5] E/CN.4/2005/36 and A/60/221.

[6] A/60/422 and Corr.1 and E/CN.4/2005/130.

(d) The release by the Government of Myanmar of two hundred and forty-nine political prisoners on 6 July 2005, while noting that over eleven hundred political prisoners remain incarcerated;

(e) The establishment by the Government of a Committee for the Prevention of Military Recruitment of Under-age Soldiers and the adoption in November 2004 of an outline plan of action to address the issues of under-age recruitment and child soldiers;

(f) The ratification by Myanmar of the United Nations Convention against Transnational Organized Crime[7] and two of its Protocols, namely, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[8] and the Protocol against the Smuggling of Migrants by Land, Sea and Air,[9] on 30 March 2004, and the enactment by Myanmar of an Anti-trafficking in Persons Law drawn up in accordance with the Convention in September 2005;

2. *Expresses grave concern* at:

(a) The ongoing systematic violation of the human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar, including violations of the right to an adequate standard of living, discrimination and violations suffered by persons belonging to ethnic nationalities, women and children, especially in non-ceasefire areas, including but not limited to extrajudicial killings, rape and other forms of sexual violence persistently carried out by members of the armed forces, continuing use of torture, deaths in custody, political arrests and continuing imprisonment and other detentions; forced relocation; forced labour, including child labour; trafficking in persons; denial of freedom of assembly, association, expression and movement; wide disrespect for the rule of law, continuing recruitment and use of child soldiers, use of landmines, and the confiscation of arable land, crops, livestock and other possessions;

(b) The extension of the house arrest of the General Secretary of the National League for Democracy, Aung San Suu Kyi, and her deputy, Tin Oo, and the persistent denial of their human rights and fundamental freedoms, including freedom of movement and association, as well as the continuing detention, particularly incommunicado detention, of other senior leaders of the League and of the leadership of other political parties or ethnic nationalities, particularly the detention of Khun Htun Oo and Sai Nyunt Lwin, Chairman and General Secretary, respectively, of the Shan Nationalities League for Democracy, and Sao Hso Ten, Chairman of the Shan State Peace Council;

(c) The consistent harassment of members of the National League for Democracy and other politicians, and the fact that no full and independent inquiry with international cooperation has been initiated into the attack perpetrated near Depayin on 30 May 2003, despite the decision taken thereon by the General Assembly in its resolution 58/247 of 23 December 2003;

(d) The absence of a substantive and structured dialogue with Aung San Suu Kyi and the National League for Democracy, and some representative ethnic groups, that facilitates national reconciliation, coupled with continuing restrictions placed on the League and other political parties which have prevented them from

[7] Resolution 55/25, annex I.

[8] Ibid., annex II.

[9] Ibid., annex III.

participating in the National Convention, including the continued closure of the League's regional offices;

(e) The renewed attacks by military forces on ceasefire groups in violation of ceasefire agreements, and the subsequent and continuing violations of human rights, and the deterioration of the enjoyment of human rights by the affected populations;

(f) The continuing denial of the freedom of human rights defenders to pursue their legitimate activities;

(g) The situation of the large number of internally displaced persons and the flow of refugees to neighbouring countries, and recalls in this context the obligations of Myanmar under international law;

(h) The fact that the Government of Myanmar, as noted by the International Labour Conference 2005, has still not implemented the recommendations of the International Labour Organization Commission of Inquiry; has yet to demonstrate its stated determination to eliminate forced labour and take the necessary measures to comply with International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; and has yet to demonstrate commitment at the highest level to a substantive policy dialogue that can address the forced labour problem;

(i) The fact that the Special Envoy of the Secretary-General for Myanmar as well as the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar have been unable to visit the country for almost two years, despite repeated requests;

(j) The imposition of various travel restrictions on United Nations and other international organizations undertaking to enable access for the delivery of humanitarian assistance to all parts of Myanmar, and notes the related withdrawal of the Global Fund to Fight AIDS, Tuberculosis and Malaria;

3. *Strongly calls upon* the Government of Myanmar:

(a) To end the systematic violations of human rights in Myanmar, and to ensure full respect for all human rights and fundamental freedoms;

(b) To end impunity and to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

(c) To consider as a matter of high priority becoming a party to all instruments of international human rights law and international humanitarian law, and to ensure that existing legal obligations are implemented;

(d) To promote the full enjoyment of all human rights and allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

(e) To put an immediate end to the recruitment and use of child soldiers and to extend full cooperation to relevant international organizations in order to ensure the demobilization of child soldiers, their return home and their rehabilitation in accordance with Security Council resolutions 1539 (2004) of 22 April 2004 and 1612 (2005), and stresses the need for the Government of Myanmar to maintain close dialogue with the United Nations Children's Fund, and to cooperate with the

Special Representative of the Secretary-General for Children and Armed Conflict in accordance with Council resolutions 1539 (2004) and 1612 (2005);

(f) To end widespread rape and other forms of sexual violence persistently carried out by members of the armed forces, in particular against women belonging to ethnic nationalities, and to investigate and bring to justice any perpetrators in order to end impunity for these acts;

(g) To end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons, in cooperation with the international community, and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies in accordance with international law including applicable international humanitarian law;

(h) To release all political prisoners immediately and unconditionally, including National League for Democracy leaders Aung San Suu Kyi and Tin Oo, and Shan Nationalities League for Democracy leader Khun Htun Oo and other Shan leaders, and to allow their full participation in an inclusive and credible process of national reconciliation;

(i) To lift all restraints on peaceful political activity of all persons, including former political prisoners, by, inter alia, guaranteeing freedom of association and freedom of expression, including freedom of the media, and to ensure unhindered access to information for the people of Myanmar and to desist from arresting and punishing persons for their peaceful political activities;

(j) To urgently resolve the serious issues identified by the High-level Team and the International Labour Conference, including to give clear assurances that no action will be taken against persons lodging complaints of forced labour; to resolve outstanding allegations of forced labour; to issue the necessary visas to allow a strengthening of the International Labour Organization presence in Myanmar; and to respect the freedom of movement of the Liaison Officer ad interim;

(k) To cooperate fully with the Special Envoy of the Secretary-General for Myanmar and the Special Rapporteur in order to bring Myanmar towards a transition to civilian rule, and to ensure that they are both granted full, free and unimpeded access to Myanmar and that no person cooperating with the Special Envoy, the Special Rapporteur or any international organization is subjected to any form of intimidation, harassment or punishment, and to review as a matter of urgency the cases of those currently undergoing punishment in this regard;

(l) Without further delay to cooperate fully with the Special Rapporteur to facilitate an independent international investigation of continuing reports of sexual violence and other abuse of civilians carried out by members of the armed forces in Shan, Karen, Mon and other States;

(m) To ensure immediately safe and unhindered access to all parts of Myanmar for the United Nations and international humanitarian organizations and to cooperate fully with those organizations so as to ensure that humanitarian assistance is delivered in accordance with humanitarian principles and reaches the most vulnerable groups of the population in accordance with international law including applicable international humanitarian law;

(n) To ensure that discipline in prisons does not constitute torture or cruel, inhuman or degrading treatment or punishment, and that conditions of detention

otherwise meet international standards, and to include the possibility of visiting any detainee, including Aung San Suu Kyi;

(o) To ensure that government forces do not engage in food and land requisition or the destruction of villages;

(p) To continue to take action to fight the HIV/AIDS epidemic;

4. *Calls upon* the Government of Myanmar:

(a) To ensure that the remainder of the National Convention, in particular the subsequent constitution-drafting exercise, becomes genuinely inclusive, through the unhindered participation of all political parties and representatives of ethnic nationalities;

(b) To ensure that the proposals tabled at the National Convention for the chapters of the draft constitution are consistent with the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments;

(c) To create the conditions for the free operation of existing and new political parties, in advance of the referendum and elections envisaged under the seven-step road map; and to ensure that all eligible citizens are registered to vote in any future referendum and elections, and that these are conducted according to international standards with the full participation of all political parties;

(d) To pursue through dialogue and peaceful means the immediate suspension and permanent end of conflict with all ethnic groups in Myanmar, including by ensuring that the constitution-drafting process responds to the concerns of the ethnic nationalities, including the ceasefire groups attending the Convention, and respects their rights, so as to increase the likelihood that the ceasefires will lead to lasting political settlements and peace;

(e) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of the administration of justice;

5. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar, and to offer technical assistance to the Government in this regard;

(b) To give all necessary assistance to enable his Special Envoy and the Special Rapporteur to discharge their mandate fully and effectively;

(c) To report to the General Assembly at its sixty-first session and to the Commission on Human Rights at its sixty-second session on the progress made in the implementation of the present resolution;

6. *Decides* to continue the consideration of this question at its sixty-first session.

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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Report of the Third Committee

Rapporteur: Mr. Pedro **Cardoso** (Brazil)

Corrigendum

Section II.B, paragraph 19

In the second sentence, *add* Iceland to the list of additional sponsors of the draft resolution

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